



Response Date: 07/01/2026

2025/1305 - Investigate Allegations of Corruption and Misconduct

In response to your recent request for information regarding;

1. FOI Request under the Freedom of Information Act 2000

Please provide all recorded information (internal emails, decision logs, policy references, guidance, memoranda, referrals, escalation notes, complaint logs, Professional Standards records, crime-recording entries and related documentation) held by your force concerning the following:

A. Crime Recording & Investigation of Corruption Allegations

Any internal policy or guidance governing how allegations of corruption, collusion, or regulatory misconduct are to be recorded and investigated, including any linked to:

- **Professional Standards Department (PSD)**
- **Anti-corruption units**
- **Economic Crime Units**

Please find attached the Counter Corruption Policy.

Allegations of corruption are dealt with in line with IOPC Statutory guidance and underpinning legislation.

2. Any records of training, guidance, or policy documents referring to the duty to record and investigate serious allegations, including those involving public officials, regulated professionals, or persons of special status.

Please find attached the Counter Corruption Policy.

Allegations of corruption are dealt with in line with IOPC Statutory guidance and underpinning legislation.

PSD investigators are trained by external trainers (Sancus Training / College of Policing).

3. Any records relating to the handling of credible allegations of corruption submitted by members of the public, including:

- **Correspondence acknowledging receipt;**
- **Initial assessments;**
- **Decisions not to record a crime;**
- **Records of rationale for not progressing to investigation; and**
- **Any referrals, internal or external, arising from such allegations.**

Pencadlys yr Heddlu,
Glan-y-Don, Bae Colwyn LL29 8AW
www.heddlugogleddcymru.police.uk

Police Headquarters,
Glan-y-Don, Colwyn Bay LL29 8AW
www.northwales.police.uk

- 4. Any records of cross-force information or referrals relating to allegations of corruption or regulatory misconduct involving this force.**
- 5. If any part of the requested information is held but you claim it is exempt from disclosure under FOIA, please cite the specific exemption and provide a public-interest justification for its application.**

Our information is set up and searchable for our policing purposes. To even comply with Section 1 (1) (1) of the Freedom of Information Legislation (which is the duty to inform the applicant whether or not information is held by the authority) would be above the amount to which we are legally required to respond i.e. the cost of retrieving the information exceeds the 'appropriate level' as stated in the Freedom of Information (FOI) Fees and Appropriate Limit regulations 2004.

Therefore, in accordance with the FOI Act 2000 the information you have requested is exempt under Section 12 (2), and this letter acts as a Refusal Notice under section 17 (5) of the legislation.

Even if all the information requested was retrieved much would be classed as personal data and therefore exempted under Section 40 (2) of the Freedom of Information Act.

3. Request for Action

I respectfully request that:

- 1. You confirm in writing whether your force has received any credible allegation of corruption or related misconduct submitted by me (or associated individuals) and whether it has been:**
 - **logged as a crime,**
 - **recorded in your systems,**
 - **or otherwise considered for investigation.**
- 2. If not, please explain the legal basis upon which your force has declined to record or investigate such credible allegations.**
- 3. Your response must include:**
 - **whether or not your force holds the information requested under FOIA;**
 - **any internal policies or guidance applicable to this domain;**
 - **and confirmation that procedures have been followed lawfully.**

All requests made under Freedom of Information Act (FOIA) are applicant blind, and a Freedom of Information (FOI) request must be treated as such as a public authority will always view any disclosure as into the public domain. This is because FOI requests are disclosures to the world (not just to the applicant making the request), and the data protection rights of an individual would be breached by disclosure.

The provisions in Section 40 (1) to (4) of the Freedom of Information Act exempt personal data from disclosure and Section 1(1) (a) of the FOIA imposes a duty on a public authority to either confirm or deny if it holds information specified in a request.

However, in relation to a request which constitutes the personal data of individual(s), section 40(5)(b)(i), further excludes a public authority from complying with the duty imposed by section 1(1)(a) FOIA if complying with that duty would contravene any of the data protection principles under the Data Protection Act 2018 (DPA).

Therefore, the first element that needs to be met before relying on section 40(5) (b) (i) is that the information requested should, if held, constitute the personal data of a third party (i.e. someone other than the person making the request).

Personal data is defined in the DPA as follows:

"...“Personal data” means any information relating to an identified or identifiable living individual (subject to subsection (14)(c)) [and] “Identifiable living individual” means a living individual who

can be identified, directly or indirectly, in particular by reference to— (a)an identifier such as a name, an identification number, location data or an online identifier, or (b)one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.”

As FOI requests are disclosures to the world (not just to the applicant making the request), if North Wales Police were to use exemptions against the information requested (rather rely on the use Section 40 (5)(b)(i)) this would provide the public with information about a certain individual or individuals.

However as Section 40(5) (b) (i) specifically refers to giving confirmation or denial 'to a member of the public' it could be argued that giving confirmation or denial to the requestor would not necessarily contravene any Data Protection Principles. Nevertheless, even if we confirmed that we held the information, and then withheld it under another exemption of the Act (e.g. Section 40 (2)) the confirmation alone would disclose personal data of the Data subject/s.

The next element I have considered is whether confirming or denying if the information requested is held, would contravene any of the Data Protection principles.

The first Data Protection principle states: 'that the processing of personal data for any of the law enforcement purposes must be lawful and fair.' It is our belief that confirmation or denial that North Wales Police hold the information requested would be unfair to those who may/may not fall into the remit of the request, and therefore contravention of the first data protection principle.

This is because simply confirming whether or not North Wales Police holds the information requested would provide personal information, and to do so would not be fair. If North Wales Police confirmed or denied that we held data surrounding an individual/s this would amount to the disclosure of personal data because we would be telling the world something about that individual/s.

Lastly, in terms of the legitimate interests in disclosure, the information requested would be personal to any individual/s it may or may not concern. Therefore, confirmation as to whether or not any information is in fact held would not be of any benefit to the public.

Therefore, in accordance with section 40(5)(b)(i) of the FOIA 2000, I can neither confirm nor deny that this information is held by North Wales Police. This refusal should not be taken to mean that the information you have requested exists or does not exist.

Consequently, in accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice under section 17 (1) of the legislation.

However, an individual is able to exercise their right under the Data Protection Act 2018 (subject access) which states that a 'data subject' (the person about whom the personal data refers) is entitled to be informed whether or not personal data is held or processed about them (unless an exemption applies).

Please be aware that under the subject access process, North Wales Police will pay due regard to the exemptions from this general right of access and any information not relating to the applicant will be edited out where one or more of the following circumstances apply:

- The release of the information could lead to the identification of another individual to whom North Wales Police have a duty of confidence.
- This will often be where the recorded information involves more than one individual, e.g. a crime report identifies both a victim and suspect/offender. The offender will not normally be given personal details of victims and vice versa.
- Information being processed for the prevention or detection of crime or the apprehension or prosecution of offenders.
- We will not release intelligence about an individual under these provisions if doing so could undermine the fight against crime.

Subsequently, the subject access process may not provide you with the information you are seeking to assist with the issue described in your letter.

Nevertheless, if you believe this process is suitable for your needs, please find enclosed a Subject Access form. This form should be completed and returned to Information Assurance, North Wales Police or emailed to dataprotectionenqs@nthwales.pnn.police.uk together with copies of two official documents which between them clearly show name, date of birth and current address.

THIS INFORMATION HAS BEEN PROVIDED IN RESPONSE TO A REQUEST
UNDER THE FREEDOM OF INFORMATION ACT 2000, AND IS CORRECT AS AT 05/01/2026



**HEDDLU
GOGLEDD CYMRU
NORTH WALES
POLICE**

COUNTER CORRUPTION POLICY

Governance:	Strategic Management Board		
Document Type:	Policy		
Policy Owner:	Head of PSD / ACU		
Department:	Professional Standards Department (PSD) & Anti-Corruption Unit		
Policy Writer:	Deputy Head of PSD / ACU		
Policy Number:	156	Version:	2.6
Effective Date:	01/03/2024		
Recommended Review Date:	01/03/2026		

POLICY

CHANGE HISTORY				
Version No	Date	Author	Changes	Ratification
1.0		Sgt Andy Rowland with Support from the Governance and Policy Team	Merger of a number of processes in the new corporate template	Operations Committee 06.03.19
1.1		Sgt Andy Rowland	Section 4.3.8 updated	
1.2		Sgt Andy Rowland	Section 4.3 and 4.6 updated, appendix C added.	
1.3		Sgt Andy Rowland	Section 4.3 updated to reflect updated SEBI1 Form	
1.4		Sgt Andy Rowland	Section 4.5.9.3.2 added	
1.5		Sgt Andy Rowland	Section 4.5.9.3.2 amended to include hemp products	
1.6		Sgt Andy Rowland	Para added to 4.3.7	
1.7		Sgt Andy Rowland	Para 4.3.5 amended	
1.8		DI Rebecca Hughes	Section 4.13 added and transferred to new template	
1.9		Supt Dan Tipton	Section 13 amended to reflect delegated responsibility to the Head of PSD or Deputy Head of PSD. Hyperlinks also updated.	
2.0		DCI Sion Williams	Review and Redrafting of policy	
2.1		DI Zoie Dunkerley	Amendments as a result of consultation	
2.2		DCI Zoie Dunkerley	Change Chief Accountant title to Head of Finance and additional information re: Conditional Bis to cover online influencers / ambassadors	SMB – 23/01/24
2.3		DCI Zoie Dunkerley	Payday loans to section 4.4.1.	
2.4	02/09/24	...	Updated section 3.3 and links to Code of Ethics / Standards of Professional Behaviour	N/A
2.5	22/11/24	DI Katie Ellis	Amendment to section 4.9.1.1 Integrity and Service Confidence Procedures	
2.6	18/04/25	DI Katie Ellis	Section 4.11 Lawful business monitoring added	N/A

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Information highlighted in yellow has been withheld by virtue of S31 of the Freedom of Information Act 2000 in relation to Law Enforcement.	

1. WHY IS THIS POLICY REQUIRED?

- 1.1 North Wales Police seeks to provide the public with a quality policing service based on values clearly set out within the Police [Code of Ethics](#) and the [Standards of Professional Behaviour](#).
- 1.2 Preventing corruption is essential for ensuring that there is trust and confidence in the police service.
- 1.3 The integrity of NWP is key to protecting the public and public confidence in addition to keeping our own police officers and staff safe, which in turn protects our organisational reputation.
- 1.4 This policy will:
- Explain what corruption is.
 - Identify possible corruption threats to both personal and operational security.
 - Provide guidance and processes to prevent and minimise the risk of corruption.
 - Offer support to those with the courage to raise concerns.
 - Aim to maintain high Standards of Professional Behaviour within the organisation.

2. WHO SHOULD USE THIS POLICY?

- 2.1 This policy should be used by **all** NWP police officers, special constables, police community support officers, police staff including OPPC staff, volunteers and anyone under contract to NWP (e.g. agency staff). For the purposes of this document, these groups will be referred to as Police Officers and Staff.
- 2.2 This policy includes:
- An overview of what corruption means.
 - An overview of the role of the Anti-Corruption Unit (ACU).
 - An overview of the reporting procedures.
 - Specific procedures for dealing with the following matters:
 - Confidential Reporting
 - Notifiable Association
 - Business Interest and Secondary Employment
 - Disclosable Debt
 - Substance Misuse
 - Gifts, Gratuities and Hospitality
 - Members Interests
 - Donations to Police Charities
 - Integrity Interview
 - Sponsorship
 - Executive Authority Procedure
 - Private Use of Online Social Networking and Media
 - Searching in Police Premises / Police Property

3. WHAT SHOULD I CONSIDER WHEN USING THIS POLICY?

3.1 What is Corruption?

The National Policing Counter Corruption Advisory Group defines corruption as: -

“A Law Enforcement official commits an unlawful act or deliberately fails to fulfil their role, arising out of an abuse of their position, for personal or perceived organisational advantage, having the potential to affect a member of the Public.”

In practical terms, this includes anything which can corrupt the integrity of policing and includes: -

- The improper exercise of a power or privilege for the purpose of achieving a personal benefit, or a benefit or detriment for another person.
- An abuse of position for a sexual purpose or to pursue an improper emotional relationship.
- The misuse or disclosure of police information, not for a legitimate policing purpose.
- Criminal or inappropriate associations.
- Substance Misuse.
- Inappropriate business interests or secondary occupations.
- Inappropriate acceptance of gifts and hospitality.

Police officers and staff are subject to the same law as other members of the public; however, there are other specific pieces of legislation, offences and principles which apply to internal investigations.

The ACU investigators work with the Independent Office of Police Conduct (IOPC) and staff associations. It is recognised that counter-corruption investigations, whether criminal or under Police (Conduct) Regulations, can impact significantly on the trust and confidence of the public and staff. They are, therefore, subject to greater levels of command scrutiny than similar conventional investigations.

In misconduct enquiries, investigators must consider the protection afforded to police officers as part of their conditions of service under [The Police \(Conduct\) Regulations 2020](#) and [the Police \(Complaints and Misconduct\) Regulations 2020](#). Similarly, consideration should be given to the terms and conditions governing the employment of non-warranted staff.

Under no circumstances should you conduct research of force systems in order to substantiate or rebut your concerns or suspicions. Inappropriate use of Force systems may constitute a disciplinary or criminal offence.

3.2 The Anti-Corruption Unit (ACU)

The ACU conducts intelligence led investigations, focussed on prevention and detection of corruption and serious misconduct within the organisation. Its work aims to protect personnel, investigations and the Force computer systems, and thereby preserve the integrity of the Force.

3.3 Reporting Procedures

It is important we foster a culture whereby staff are comfortable in raising any valid concerns that may impact upon the professionalism, integrity and reputation of the organisation and its members.

There are ten [Standards of Professional Behaviour](#) which reflect the expectations of those working in policing. The College of Policing's Code of Ethics underpin the standards.

Standard 10. Challenging and reporting improper behaviour states

“Police officers report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behaviour.”

The [Code of Ethics](#) states

As policing professionals, we have a positive obligation for challenging or reporting behaviour that is unprofessional and will;

- *act as role models for professional behaviour;*
- *actively challenge all forms of discriminatory behaviour affecting individuals with protected characteristics ([see section 4 of the Equality Act 2010](#));*
- *have responsibility to question the conduct of colleagues, at any level (irrespective of the person’s rank, grade or role), that we believe falls below the expected standards and, if necessary, we challenge, report or take action against such conduct;*
- *report our concerns to a line manager, a force’s reporting mechanism or another appropriate channel if we feel that:*
 - *we cannot question or challenge a colleague directly;*
 - *a proportionate response to the unprofessional behaviour requires escalating to the attention of a supervisor or manager;*
- *know that there is the option to report concerns through force confidential reporting lines, and that ‘whistleblowers’ will be provided legal protections set out in the [Employment Rights Act 1996](#);*
- *understand that if we fail to take action when we see or hear of unprofessional behaviour, we would be failing in our duty and may be complicit;*
- *help to create an inclusive and supportive environment where we feel able to challenge poor behaviour;*
- *listen to, and support, anyone who reports any concern about the behaviour of someone working in policing that they believe has fallen below expectations;*
- *do not tolerate discrimination, victimisation or any disadvantageous treatment against anyone who makes a report of unprofessional behaviour or wrongdoing;*
- *understand that the service will not tolerate reports that are found to be malicious or otherwise made in bad faith, and that such reports may lead to disciplinary procedures.*

Line manager considerations

If we are a supervisor or manager, we will:

- *act as role models of professional behaviour;*
- *support our staff to carry out their professional duties correctly;*

- *challenge and address any unprofessional behaviour and report it in line with force policies;*
- *assess, take positive action or otherwise appropriately escalate any report of unprofessional behaviour or wrongdoing made by someone for whom we are responsible;*
- *take an active and proportionate approach to addressing and reporting unprofessional behaviour;*
- *encourage and support staff to challenge or report behaviour or service provision that falls below expectations.*

In addition to this, the following **MUST** also be forwarded to the ACU: -

- Intelligence obtained under the Regulation of Investigatory Powers Act 2000 involving any North Wales police officer or staff.
- National Crime Agency (NCA) financial disclosures involving any North Wales police officer or staff.
- Intelligence submitted to the Force Intelligence Section or any Divisional Intelligence Unit involving any North Wales police officer or staff.
- If any North Wales police officer or staff **is** arrested, the Head / Deputy Head of Professional Standards Department (PSD) must be informed as soon as practical or by 09:00 the following day. During out of hours the Silver Cadre will consider the arrest and inform the duty NPCC.
- If there is intention to arrest or PACE interview any North Wales police officer or staff, PSD / ACU must be informed unless circumstances make this impractical or which might impact negatively upon the investigation.
- Information from confidential sources involving any North Wales police officer or staff.
- Requests made to the Information Assurance and Compliance or any other Department for audit checks to be carried out on any North Wales police officer or staff suspected of Misuse of Computers or Data Protection Act breaches.

Prior to any criminal investigation being conducted into any North Wales police officer or staff the intention should be referred to the Head or Deputy Head of PSD, unless the matter is dynamic and the referral impracticable at that time. In such circumstances, the Silver Cadre will be consulted and inform the duty NPCC if appropriate (e.g. an arrest is necessary).

4. THE PROCEDURES

4.1 Confidential Reporting Procedure

As an organisation NWP endeavours to maintain an environment where staff feel confident enough to report any form of malpractice, serious health or safety risk, criminal activity or any other matter which gives the individual cause for concern and provide protection against dismissal, punishment and victimisation.

The confidential reporting procedure

- Supports the prevention of corruption, dishonesty and unethical actions and thereby protects the reputation of and maintains public confidence in our organisation and our staff.

- Provides a framework for staff to disclose any form of dishonesty, malpractice, neglect or serious health and safety risk.
- Encourages the reporting of information, intelligence and concerns about staff who abuse their position for improper sexual / emotional relationships.
- Supports and protects staff from any form of unfair treatment having made such disclosure in the public interest, in line with the Public Interest Disclosure Act 1998 as amended.

It is important we foster a culture whereby staff are comfortable in raising any valid concerns that may impact upon the professionalism, integrity and reputation of the organisation and its members.

Whilst there is a requirement upon staff to raise concerns, it is recognised that in some circumstances, particularly when the concern relates to the behaviour of a close colleague or supervisor, that this may cause staff some difficulty. The provision of a confidential reporting procedure with appropriate protection is therefore necessary to support staff to do the right thing.

4.1.1 Protection – What Does The Law Say?

The [Public Interest Disclosure Act 1998](#) (often referred to as a “whistleblowing” law) helps people who disclose wrongdoing have some legal protection. A later amendment in 2013 means that you are protected from detrimental treatment or victimisation if you make a qualifying disclosure *in the public interest*.

Protection will be provided when there is reasonable belief that any of the following circumstances are happening now, have taken place or are likely to happen in the future;

- A criminal act;
- A failure to comply with a legal obligation;
- A miscarriage of justice;
- Danger to the health and safety of an individual or groups of individuals;
- Damage to the environment within the workplace;
- Deliberate concealment or an attempt to do so, with any of the above matters.

Whilst the law is set up to provide protection to staff that make such disclosures, it is expected that any disclosures are *strongly suspected or believed to be true* by the staff member making them. Disclosures made by staff that know or suspect them to be false or made in bad faith *could* lead to disciplinary action.

This process provides you with similar protection for disclosures affecting the integrity of the Force (such as, dishonesty, serious breaches of the [Code of Ethics](#), neglect, serious health and safety risk and abuse of position for sexual gain) as well as those matters which automatically provide you with protection under the law, as detailed above.

Please see the attached guidance with specific reference to Whistleblowing in [Appendix G](#).

4.1.2 Disclosure of Racist or Prejudicial Behaviour

NWP regard the behaviour of all staff who demonstrate any prejudice in their behaviour or language towards their colleagues or members of the public as completely unacceptable. Processes contained within this policy may be used to disclose behaviour of this type and disclosures of this nature do not necessarily fall within the [Public Interest Disclosure Act 1998 Act](#), however they are deemed to be of sufficient gravity to warrant reporting in this manner.

4.1.3 The Reporting Process

If you believe the information is available to you, then you should aim to report the matter as soon as possible. There are a number of ways to report your concerns, including:

- Direct to ACU or PSD.
- The Police Integrity Line – Telephone 0800 111 4444 or visit policeintegrityline.co.uk
- To a chief officer, senior officer, manager or supervisor
- To the staff associations (Unison, Police Federation, Superintendents Association)
- Crimestoppers
- The Office of the Police and Crime Commissioner (OPCC)
- The Independent Office for Police Conduct (IOPC)
- Through a “prescribed person” in the Act which affords protection. Further information on this can be found at: -
<http://www.legislation.gov.uk/ukxi/2014/2418/made>

The important point is that the person receiving the information is bound by confidentiality and so in general staff will be protected if they: -

- Raise the matter internally through one of the representatives or facilities mentioned above, or
- Raise a concern with a person as shown in the list of “prescribed persons.”

Under no circumstances should you conduct research of force systems in order to substantiate or rebut your concerns or suspicions. Inappropriate use of Force systems may constitute a disciplinary or criminal offence.

The Police Integrity Line provides a confidential reporting facility for our staff to report matters that concern them. Calls to the Police Integrity Line is entirely CONFIDENTIAL and disclosures can be made anonymously. An indication of where corroboration could be sought will assist those investigating the referral. It should also be noted that updates on the progress of a concern can be given to a person wishing to remain anonymous -the process can be a two-way method of communication.

Confidentiality, when requested, will be given the highest priority. However you need to understand that the legal rules governing ‘disclosure’ (in any criminal case for example) would apply to cases under this procedure. This will be handled for disclosure purposes in a similar way to criminal intelligence.

Support will always be provided to you if you voice your concern through this procedure. If your concern is made known to an immediate Line Manager, they will have an underlying duty to support and protect you from detrimental treatment at work.

In cases where the confidential report relates to a line manager / supervisor, PSD / ACU will assess the information and make arrangements for you to be provided with appropriate support and protection within the workplace. Divisional Commanders and Heads of Departments will ensure that managers and other staff understand that they have an underlying duty to provide suitable welfare support to an individual as soon as possible in these circumstances. They will ensure that Staff Association representatives are given time to provide advice, guidance and support to their members.

The appointed person in ACU who will look into your disclosure will keep you updated of the progress as appropriate. They may not be able to provide you with specific details of the nature of the enquiry, due to operational sensitivity. Nevertheless the progress of the enquiry in general terms should be made known to you in confidence.

NWP recognise that in certain cases, the person reporting wrongdoing may have been subjected to a level of stress and anxiety that may have led to a period of sickness absence from work. In these circumstances, if considered to be exceptional, an application can be made for authority for the absence not to count for selection, promotion and half pay procedures. Such applications will be via the Divisional Commander or Departmental Head to the Director of Finance and Resource.

Guidance with Frequently Asked Questions is provided at [Appendix A](#).

4.2 Notifiable Association Procedure

NWP recognises that our Police Officers and Staff come from all backgrounds and aspects of life; representing a cross section of the community and this in itself could, occasionally, cause potential conflicts and issues.

Nationally it is recognised that police personnel can come under pressure from friendships that existed prior to and during their employment and/or family members who become involved in breaches of the law. In such circumstances there is a risk of divided loyalties and the possibility of demands for assistance at some stage.

The nature of policing means that our Police Officers and Staff have access to significant information, intelligence, powers and responsibilities in the course of their daily work. This could make us vulnerable to individuals who may wish to compromise a friendship or relationship for their personal benefit. The private life of staff can impact on their professional duties.

There is evidence indicating that organised crime groups use tactics targeting police personnel to develop relationships to gain intelligence. It is important we recognise these potential vulnerabilities and have procedures which mitigate such risks to protect our staff and the organisation.

Additionally, regulations and guidance place a responsibility on us to act in a manner which does not discredit or compromise the organisation. Police officers have a restriction on their private life as set out in Regulation 6 and Schedule 1 of the [Police Regulations 2003](#) which states:

“a member of a police force shall at all times abstain from any activity which is likely to interfere with the impartial discharge of their duties or, which is likely to give rise to the impression against members of the public that it may so interfere.”

In addition to this the [Code of Ethics](#) also applies to all of our staff and sets out that conduct and associations, at or outside of work, should not give cause for potential discredit to the Force or threaten its reputation.

It is recognised that community-based policing and periods working on specialist units can result in familiarity with persons who are not employed by NWP. This can result in relationships becoming less formal and can affect professional judgement.

4.2.1 Notifiable Association – What Does It Mean?

4.2.1.1 What is an “Association”?

For an association to be **notifiable** there must be some form of **relationship** or **qualitative connection** (i.e. more than just being in the presence of people) between you and the subject and can include an online or ‘virtual’ association. This will include:

- A friendship, relationship or intimacy;
- A family member or close relative;
- A partner or associate in an authorised business interest.

4.2.1.2 What isn’t an “Association”?

From time to time you may find yourself in the presence of people known to you and who, if a relationship existed, would be subject of notification under this procedure. The principal aim of the policy is to prevent staff being in a position where they or the organisation could be professionally compromised, it is not intended that every contact in such circumstances is subject of notification. Examples of this may include:

- Someone who you know casually or on ‘nodding terms.’
- A chance meeting with a passing acquaintance even if it’s repeated from time to time.
- Being part of a group or team environment where no other personal or social relationship exists with the person outside of the aims of the group or team (e.g. sports team, hobby group etc.).
- A family member who is **related** but there is no real **relationship** (e.g. a distant or estranged relative with no meaningful connection).

For assistance in deciding whether you have any notifiable associations please read the scenarios and examples contained in the frequently asked questions section in [Appendix B](#).

If in doubt, you **must** contact ACU for advice.

Under no circumstances should you conduct research of force systems in order to substantiate or rebut your concerns or suspicions. Inappropriate use of Force systems may constitute a disciplinary or criminal offence.

4.2.2 What Associations **must** be Notified?

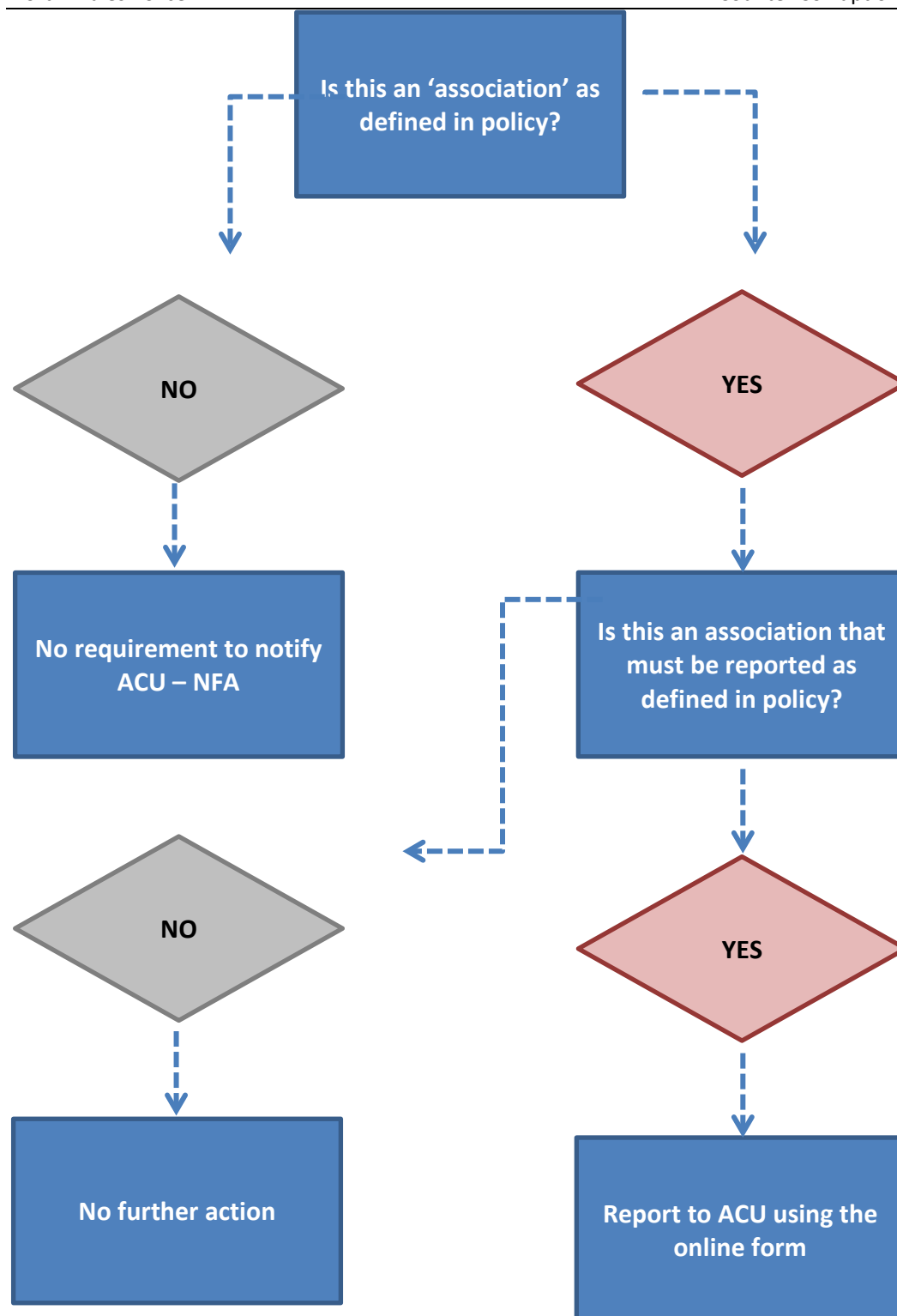
You **must** always declare an association (which could include an online or ‘virtual’ association) where you **know**, **consider** or **suspect** that the **association** is with a person who falls into any of the following categories, these examples are not exhaustive.

- a) Persons with unspent convictions.
- b) Persons charged with a criminal offence (other than minor road traffic matters or drink / driving offences) or the subject of a current criminal prosecution.
- c) Persons known to be under criminal investigation (other than minor road traffic matters or drink / driving offences) but not yet charged with an offence. This does not apply to continued association with a colleague who is suspended from duty pending a misconduct investigation.
- d) Persons subject of criminal intelligence.
- e) Persons dismissed or required to resign from a police service or other law enforcement agency for reasons of misconduct.

- e) Former police officers or other law enforcement officers who are working in a related field of employment (e.g., private investigators). Many retired or ex-police personnel take up work as private investigators or agencies with similar aims and maintain their former links and friendships with police employees. This is identified as another area of potential vulnerability that may lead to compromise.
- f) Membership or association with members of extremist groups or renowned criminal groups, gangs or organisations.
- g) Journalists or other persons employed in a media role, outside of the engagement required as part of your professional policing capacity. The Lord Leveson public enquiry identified instances where members of the media had acted unprofessionally and in some cases, unlawfully. The manipulation of personal relationships that may exist between our staff and journalists presents a potential corruption risk.
- h) Persons criminally involved in the sex industry (e.g. prostitution).
- i) Legal Representatives where there may be a conflict of interest.

4.2.3 Making a Notification

If you know, or reasonably suspect you may have a personal association with an individual, group or organisation that is, or may be considered notifiable under this policy you must submit a report to ACU using the [online form](#).



Role	Action Required
4.2.3.1 Police Officer or Staff	- Report the notifiable association to ACU at the earliest opportunity using the online form. - Submit the online form direct to ACU. - The notification report must include; - your full details, - your supervisor details (supervisors will be notified in all cases and open conversations are encouraged),

	- the person or group to which you are associated, - the reason why you believe the association is notifiable, please provide as much detail as possible on this point to help determine the rationale for your notification under the policy, - ongoing contact with the association including social media contact. - Make yourself available to ACU, who may speak to you as part of their research into the notification.
4.2.3.2 ACU	- Carry out appropriate and proportionate research to the circumstances reported on a case-by-case basis. - If necessary, speak to the Police Officer or Staff member who has submitted the report as part of that research. - Apply strict confidentiality during the research period. - Carry out a risk assessment on all the available information and intelligence. - Determine the outcome based on the level of risk, and advise the police officer or staff member that the association; - may continue without restriction, - may continue with conditions, - must cease (This will only be used in exceptional circumstances where all other options have been exhausted). - Send a copy of the determination to the police officer or staff member's supervisor to offer any additional support / advice and to discuss during PDR.

In cases where the imposition of conditions is deemed a necessary control measure for a continued association, you will be notified of those conditions. Your line manager will be notified of those conditions. Failure to comply with any conditions could leave you liable to disciplinary action.

It is important to understand that there is a continuing obligation on you to inform ACU of any changes that may affect the determination made on your notified association.

4.2.4 Appeals – What If I Don't Agree With The Decision?

If you do not agree with the decision, you do have the right to appeal. Your appeal must be in a written report and submitted to the Deputy Chief Constable, either directly by you or by your staff association representative and within 14 days of the decision having been made.

The report must include:

- Details of the decision and the date it was made.
- Set out, in clear and concise terms, why you disagree with any aspect or aspects of the decision.
- Be signed and dated by you.

After considering your appeal, the Deputy Chief Constable will inform all parties to the original decision of the result within 14 days. The appeal decision is final.

4.3 Business Interest and Secondary Employment Procedure

Police officers and staff are not constrained from holding a business interest or secondary occupation.

This section provides;

- a process for the Head or Deputy Head of PSD to decide whether a business interest or an employment outside of NWP either conflicts with an individual's ability to discharge their duties impartially or adversely affects the reputation of the individual or the force.
- Each case is considered on its merits and is risk assessed.

Special Constables, Volunteers and Force Cadets are of a different category than regular police officers and staff. They are usually already employed elsewhere and they voluntarily give up their time to assist with the policing of North Wales. The Force Vetting Unit will assess the compatibility of any employment elsewhere, prior to joining as part of the initial vetting process. However, there is a responsibility on them to inform the Force Vetting Unit, PSD, should there be changes in their personal circumstances, including a change in their full-time employment. Such changes should be in writing and submitted to the Force Volunteers Co-ordinator and Force Vetting Unit.

4.3.1 What is a Business Interest?

Regulation 8 of the [Police Regulations 2003](#) defines a Business Interest as

“a member of a police force or, as the case may be, a relative included in his family, shall have a business interest if:

- a) the member holds any office or employment for hire or gain (otherwise than as a member of a police force) or carries on any business or*
- b) the member, his spouse or civil partner (in each case not being separated from him) or any relative included in his family living with him holds, or possesses a pecuniary interest in, any such licence/permit granted in pursuance of the law relating to liquor licensing, refreshment houses or betting and gaming or regulating places of entertainment in the area of the police force in question.*

A reference to a relative included in a member's family shall include a reference to his spouse, parent, son, daughter, brother, sister, civil partner or any person living with the member as if they were his spouse or civil partner.”

Although police staff are not covered by [Police Regulations](#), this definition also applies to them.

The [Police Regulations 2003](#) and [Police \(Amendment\) \(No.2\) Regulations 2006](#) require serving police officers to notify their Chief Officer, in writing, of business interests and/or additional occupations they have, or propose to have, unless that business interest has previously been disclosed. In NWP, this has been delegated to the Head or Deputy Head of PSD. A failure to disclose any business interest may result in disciplinary action being taken.

While all interests within the definition will need to be approved, it is not intended that this would prohibit a one-off spontaneous activity such as assisting a neighbour or relative

with, for example a minor piece of house maintenance. Therefore, one-off events in these circumstances do NOT require submission of an application for a Business Interest. If you are unsure, contact the ACU for advice.

4.3.2 What to consider before making an application?

A request will **not** normally be approved if the business interest/secondary employment:

- is likely to adversely impact on police work and / or the integrity, or public perception of the integrity, of the Force,
- reduces the member's effectiveness in their job,
- relies on the member trading on police reputation or in some way bringing the fact of their position as a member to notice,
- involves a time commitment which, taken with police duties, would mean compromising the principles of the Working Time Regulations 1998 or conflict with restrictions on driver's hours,
- could lead to the member being improperly beholden to any person or institution or to being bound by conflicting contractual commitments,
- involves hazards that could provide a risk of injury or ill health.

4.3.3 Incompatible Employment

Here are some examples of business interests and secondary employment which are considered incompatible;

- holding a licence or permit granted in pursuance of the law relating to liquor licensing, refreshment houses or betting and gaming or regulating places of entertainment within the force area (all of which are activities specifically covered by Regulation 8 of [Police Regulations 2003](#));
- working in licensed premises where there would be a conflict of interest with policing duties;
- an activity that would present a conflict of interest in the administration of justice (e.g. magistrate, practising solicitor, barrister, fine enforcement officer);
- an activity that involves investigation for other than police purposes (e.g. loss assessor, private detective);
- an activity that mirrors police responsibilities or is an extension of police functions (e.g. close protection, private security or surveillance, crime prevention or personal safety);
- an activity that is connected with the lending of money or recovery of debts for others, or an activity that involves "hard selling" to colleagues or members of the public by placing undue pressure upon them to buy or rent, including recruiting others to sell on his or her behalf;
- an activity using specialist skills or knowledge obtained through the police service;
- renting residential accommodation from, or letting residential accommodation to a member of staff who is in the same line management structure;
- appearing in any commercial filming production in which they portray either a police officer, police community support officer or other uniformed role, whether on or off duty, or undertake any role where it could be construed that they are representing the police service;
- the writing and publication of books or articles for gain by serving members of the police service about their policing or work experiences;
- Vehicle recovery;
- undertaker/funeral director or associated businesses.

4.3.4 Volunteer Reserve Forces

Approval to serve in reserve forces will be supported subject to meeting the criteria specified above for business interest / secondary employment. Those wishing to consider the volunteer and Reserve Forces should also refer to the [Armed Force Reservist Practice Guide](#).

4.3.5 Charitable bodies and other voluntary roles

Anyone undertaking a volunteer role which carries a degree of responsibility towards helping, responding to and rescuing members of the public in distress (e.g. Coastguard RNLI, Mountain Rescue or other similar roles) **must** declare such interests in accordance with this section of the Counter Corruption policy. This ensures that line managers can consider the health, safety and well-being of their staff along with any control measures that may be necessary to mitigate any risk or impact on the individual, police service delivery and organisational reputation.

If the police officer / staff member is not working for NWP at the time of any deployment in such a voluntary role, they must abide by the relevant training, policy, legislation and standard operating procedures that exist within that organisation. For example, if that organisation is not permitted to exceed the speed limit whilst responding to an incident (even if their vehicles are equipped with and using relevant 'blue lights / sirens'), then that police officer or staff member may not exceed any such limitations despite the fact they may be trained to do so by NWP. In simple terms, the police officer or staff member cannot breach that organisations' training, policy, legislation and standard operating procedures – they must abide by the relevant guidelines and code of conduct.

If the police officer / staff member is working for NWP at the time of any incident that may involve an organisation with which the police officer or police staff member has an approved business interest, then it is the Line Manager and/or Senior Management Team responsibility to ensure that there is an absolute clear distinction with that voluntary role; specifically that the police officer / staff member should not seek to 'dual role' (i.e. wear two hats) if responding as a police officer or police staff member whilst on duty for NWP. This will ensure that there are no blurred lines between the police officer's or staff member's professional responsibility whilst on duty with NWP.

Furthermore, if the police officer / staff member is working for NWP at the time of any incident that may involve an organisation with which the police officer or police staff member has an approved business interest, the police officer / staff member should then not be seeking any reimbursement for that deployment as a police officer / staff member from the relevant third-party organisation (this would also include claiming any expenses if they are on duty for NWP).

Again, advice can be obtained via the ACU for any other voluntary role.

4.3.6 Politics

Anyone undertaking a role which relates to politics should refer to Politically Restricted Posts policy.

4.3.7 Retained Fire-fighters

[Section 37](#) of the [Fire and Rescue Services Act 2004](#) prevents a police officer from being employed as a fire-fighter due to the possible confusion which might arise at the scene of a fire or other emergency.

Subject to gaining permission for secondary employment, Police Staff may be employed as retained fire-fighters. It should be noted however that if they subsequently apply and

are successful in becoming a Police Officer, they will be required to relinquish their position.

4.3.8 Private Landlords

There is no restriction on officers or staff conducting a business interest or secondary employment as a private landlord.

It is important that a private tenant does not pose a risk to the reputation of the staff member or the Force and thereby affect public confidence. The responsibility for ensuring whether an individual is suitable as a prospective tenant is with the applicant or those with existing authorisation.

Applicants should obtain reference checks with previous landlords and their own suitability checks, e.g. open-source internet search, which may identify any issues that impact on their own or the Forces' reputation. In some circumstances, these background checks may require a Notifiable Association report. Staff should not let property before completing reference and suitability checks and report any matters which arise.

Staff are not permitted to use any Force or national police systems, including open source, to conduct suitability checks on private tenants. This activity is not considered legally compliant with the Data Protection Act 2018 or General Data Protection Regulation (GDPR). The Anti-Corruption Unit will not conduct suitability checks of private tenants.

Letting Agents are an alternative to acting as a private landlord and remove some of the risks associated in directly dealing with tenants. Staff should exercise care as there is no guarantee that Letting Agents will perform reference or background checks. Staff remain responsible for the suitability of the tenants even when managed through a Letting Agents.

4.3.9 Earning online and Social Media

Anyone earning an income online using tools such as social media must be declared in accordance with this section of the Counter Corruption policy. This is to ensure control measures that may be necessary can be put in place to mitigate any risk or impact on the individual, police service delivery and organisational reputation.

Examples can include but this list is not exhaustive; earning commissions through sponsored posts; getting paid for reviewing affiliate products; earning through followers, views and likes on platforms and advertising wish lists on platforms.

Creating content on platforms that involves adult material is incompatible with the role of a police employee due to the significant risk that this is highly likely to undermine public trust and confidence.

All cases are unique and will be assessed on its own merits. If you are unsure, please contact the ACU for advice.

4.3.10 Compatible Employment

Below are examples of those interests considered either **Compatible / Conditional / Non - Compatible**. If you are unsure, please contact the ACU for advice.

<u>Compatible</u>	<u>Conditional</u>	<u>Non-Compatible</u>
Sports Coaching	Nursing	Licensed Trade
Sports Refereeing	Supply Teaching	Security Consultancy
Lecturing (non-police related)	Promoting/endorsing third party products – including online i.e. influencer / product ambassador	Doorperson/Bouncer
Landscaping	Youth Work	Private Detective
Holiday Letting	Property management	Bailiff
Hairdressing	Entertainer	Financial Advisor
Beauty Therapy	Voluntary roles such as ATC, ACF, Sea Cadet, Sea Scout Leaders	Neighbourhood Warden
Lodgers (subject to Police Regs)	Child Minding (Police houses)	Political Agent
Shopkeeping (non-licensed)	Driving	Legal Advisor
Business Consultant	Property renovation	Fire Fighter
Computer Consultancy	Driving Instruction	Journalism (News Media)
Cartoonist	Journalism (non-news media, e.g. hobby/interest newsletter)	Counting Votes (Elections)
Sportsperson	Sales Person	Lecturing Police Issues
	Dog Training	Computer Consultancy (DFU staff)
		Vehicle Recovery/Breakdown
		Undertaking/Mortuary Services

4.3.11 How to make an Application for Approval of a Business Interest / Secondary Employment?

Role	Action Required
4.3.11.1 Applicant	- Consider what is a business interest? Does the planned activity fall within the definition? - Consider whether the application would meet the approval criteria at <u>appendix C</u>. Is it a compatible/conditional/non-compatible employment? - Be mindful of any associations potentially formed via a business interest. - Contact ACU for advice if you are in doubt, prior to completing an application.

	• Complete the Section SEBI /1 Application and Agreement Form to register your business interest and/or secondary employment. • Complete Section A of the form, including the Conditions of Acceptance and Agreement • Forward the completed SEBI/1 Application and Agreement Form to Register a Business Interest of Secondary Employment and your sickness record for the previous 3 years to your supervisor / line manager for him / her to complete section B and then your Area Inspector / Departmental Head to complete section C. • NB – your business interest at this stage is NOT APPROVED and you will need to await relevant notification from the Head or Deputy Head of PSD until such time you can embark on your business interest. PSD will commit to provide a timely response. •
4.3.11.2 Supervisors / Line Manager	• Consider whether the application would meet the approval criteria at Appendix C. Is it a compatible / conditional / non-compatible employment? • Review the applicant's attendance, performance and any other issues relevant to the application and endorse the application as appropriate for consideration by the Area Inspector or Departmental Head. Discuss with your HRTSO if you consider that there are any issues of concern in relation to attendance or performance. • Complete Section B of the SEBI /1 Application and Agreement Form to Register a Business Interest or Secondary Employment and discuss with the applicant. Please refer to the approval process (Appendix C) if needed. You MUST comprehensively endorse the supervisor's section, referring to any matter, including attendance or performance, that you deem relevant that may affect or need to be taken into consideration in relation to the business interest application. • Submit the endorsed business interest application to the Area Inspector or Head of Department with confirmation that you have considered any matters which you have deemed relevant.
4.3.11.3 Area Inspector/ Departmental Head	• Complete Section C of the SEBI /1 Application and Agreement Form to Register a Business Interest or Secondary Employment and return to the applicant. Please refer to the approval process (Appendix C) if needed. Once all the necessary sections of the application are completed, you MUST also comprehensively endorse the Area Inspector / Departmental Head section of the application and make comment about the suitability / compatibility of the application, also taking into account of any identified matters raised by the supervisor which would include attendance or performance and that you believe may need to be taken into consideration in relation to the business interest application. Submit the business interest application to the Prof Standards Enquiries e-mail address for consideration, even if you have decided not to support the application (reasons for which should be endorsed in your section of the application).

4.3.11.4 PSD Admin	• Receive and check SEBI /1 Application and Agreement Form to Register a Business Interest or Secondary Employment. • ACU to conduct checks to ensure there are no linked debt management or other concerns prior to consideration by Head or Deputy Head of PSD. • Forward the application form to the Head or Deputy Head of PSD for approval.
4.3.11.5 Head or Deputy Head of PSD	• Consider each application for approval on its own merits, taking into account the following factors; • endorsements on the application from the relevant supervisors / departmental head; • impartiality; • impact on the force or service; • current performance (attendance, performance, misconduct); • proportionality in relation to seniority and role; • health, safety and wellbeing; • advise the applicant of the outcome of the application.

4.3.12 Actions required once you've received Approval of Business Interest / Secondary Employment

Role	Action Required
4.3.12.1 Applicant	• Receive notification of the approval (which may be conditional). • Ensure you report any significant changes to the nature or scale of the business interest / secondary employment, or personal circumstances or any cessation to PSD immediately. • Be aware that if concerns are raised about your performance, attendance or conduct then your line manager may refer the matter to ACU with a view to either suspend or remove your business interest / secondary employment approval. • Report to your line manager no later than every seventeen weeks, outlining the total number of hours (including relevant dates) you have worked on your business interest. This information will be expected to be provided if the business interest is to be renewed after 12 months. Failure to comply with this will result in the business interest renewal being rejected. • Respond in a timely manner to all requests from PSD / ACU for information relating to your ongoing Business Interest or secondary employment. Failure to do so may result in the approval being cancelled.
4.3.12.2 PSD	• Annually review the approval.
4.3.12.3 Line Manager	• Refer to ACU if concerns are raised about the performance, attendance or conduct of the individual with a view to the consideration of suspending their business interest / secondary employment approval. Ensure updates are inputted into PDR and any conditions attached to the BI are adhered to.

4.3.12.4 HRTSO	Refer to ACU if concerns are raised about the performance, attendance or conduct of the individual with a view to either suspend or remove their business interest / secondary employment approval.
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4.3.13 Employment Breaks and Business Interests / Secondary Employment

Business interests and/or secondary employments approved prior to an employment break will continue during employment break period providing there are no changes to circumstances. New applications or amendments to approved applications whilst on an employment break are to be made in line with the above procedure.

4.3.14 Appeals against the decision to either refuse or withdraw permission for a notified Business Interest / Secondary Employment

Role	Action Required
4.3.14.1 Applicant	Upon receiving written rationale which either refuses or withdraws your permission for your notified business interest / secondary employment - Send a written notice of appeal to the Chief Constable <u>within 10 calendar days</u> (appeals received outside of this period will only be accepted at the discretion of the Chief Constable). - State briefly in the notice of appeal the reasons for the appeal. - You will receive copies of documents from the Chief Constable <u>(within 16 calendar days)</u> which set out the reasons for the Head or Deputy Head of PSD's decision as well as copies of all evidence which were relied upon in support of that decision. - Review and comment on those documents. You will be given a reasonable opportunity (no less than <u>14 calendar days</u>). - Provide any new or additional substantive reasons you may have for seeking or retaining a business interest/secondary employment over and above those set out in the original notification. The matter will then be referred back to the Head or Deputy Head of PSD for reconsideration before the appeal hearing. - You will receive a written notice of the Chief Constable's decision <u>within 28 calendar days</u> of receipt of your comments and any other documents submitted by the Head or Deputy Head of PSD, or on expiration of the period afforded for making comments. - You (or your representative) may, at the Chief Constable's discretion, be invited along with the Head or Deputy Head of PSD to make an oral statement prior to making any determination (e.g., where it is considered that further clarification on an aspect of the appeal is required). In such circumstances, you and the Head or Deputy Head of PSD will appear before the Chief Constable and will be entitled to hear each other's oral statement. The Chief Constable may ask further questions of clarification. You and the Head or Deputy Head of PSD may at all stages be represented by a representative of a trade union or staff association and may also be legally represented. - If your appeal has been made on the grounds that the process applied by the Head or Deputy Head of PSD was flawed, and the Chief Constable upholds this appeal, the case will be re-

	submitted to the Head or Deputy Head of PSD for reconsideration. • Where your appeal is a substantive appeal against the decision made by the Head or Deputy Head of PSD the full case is considered on its merits and a decision is reached in light of all the evidence available. • You will receive the decision to the appeal at the conclusion of the meeting, with written reasons for the decision provided <u>within 7 calendar days</u>.
4.3.14.2 Chief Constable	Upon receiving a written notice of appeal from the applicant. (You should receive this <u>within 10 calendar days</u> of the applicant receiving notification of refusal/withdrawal from PSD). • Accept, only at your discretion, appeals received outside of this <u>10-calendar day</u> period. • Write to the Head or Deputy Head of PSD <u>within 5 calendar days</u> of receipt of a notification of appeal, requesting a notice setting out the reasons for his or her decision and to provide copies of all evidence on which he or she relied upon in support of that decision. • On receipt of these documents, send one copy of each of the documents to the applicant. • Give the applicant a reasonable opportunity (no less than <u>14 calendar days</u>) to comment on the documents. • Refer the matter back to the Head or Deputy Head of PSD for reconsideration before the appeal hearing if the applicant produces new or additional substantive reasons for seeking or retaining a business interest / secondary employment over and above those set out in his or her original notification. • Give the applicant written notice of your decision <u>within 28 calendar days</u> of the receiving his/her comments and any other documents submitted by the Head or Deputy Head of PSD, or on expiration of the period afforded for making comments. • Consider the appeal on the basis of the documentation made available by both the applicant and the Head or Deputy Head of PSD. • You may (at your discretion), invite both the Head or Deputy Head of PSD and the applicant (or his/her representative) to make an oral statement to you prior to making any determination (e.g., where you consider further clarification on an aspect of the appeal is required). In such circumstances, the Head or Deputy Head of PSD and the applicant will appear before you and will be entitled to hear each other's oral statement. You may ask further questions of clarification of either the applicant or the Head or Deputy Head of PSD following the oral statements. Both the applicant and the Head or Deputy Head of PSD may at all stages be represented by a representative of a trade union or staff association and may also be legally represented. • Give your decision to both parties to the appeal at the conclusion of the meeting, with written reasons for the decision provided within 7 calendar days.

	• If the appeal was submitted on the basis that the process applied by the Head or Deputy Head of PSD was flawed, re-submit the application to the Head or Deputy Head of PSD for reconsideration. • If the appeal was submitted on the basis against the decision made by the Head or Deputy Head of PSD, consider the full case on its merits and reach a decision in light of all the evidence available.
4.3.14.3 Head or Deputy Head PSD	• Provide the Chief Constable with the requested information <u>within 10 calendar days</u> of receiving the request. Supply a copy of the applicant's application for business interest / secondary employment, together with any supporting documents. • You (or your representative) may, at the Chief Constable's discretion, be invited along with the applicant to make an oral statement prior to making any determination (e.g., where it is considered that further clarification on an aspect of the appeal is required). In such circumstances, you and the applicant will appear before the Chief Constable and will be entitled to hear each other's oral statement. The Chief Constable may ask further questions of clarification. You and the applicant may at all stages be represented by a representative of a trade union or staff association and may also be legally represented. • If the appeal has been made on the grounds that the process applied by yourself was flawed, and the Chief Constable upholds this appeal, the case will be re-submitted back to you for reconsideration. • Where the appeal is a substantive appeal against the decision made by you, the full case is considered on its merits and a decision is reached in light of all the evidence available. • Receive the decision to the appeal at the conclusion of the meeting, with written reasons for the decision provided <u>within 7 calendar days*</u>.

4.3.15 Liability

The Chief Constable is not vicariously liable for members while they are conducting any form of business interest and/or secondary employment.

4.3.16 Disciplinary Action

A member must always secure permission prior to undertaking any business interest and / or secondary employment. Additionally, individuals must ensure that they provide the required information for annual reviews. Disciplinary action may be taken where a member has failed to;

- secure prior approval;
- failed to adhere to the limitations of any such approval;
- or continues to carry on the business interest when any authority is refused or rescinded;
- or failures to comply with the review process in a timely fashion.

4.4 Disclosable Debt Procedure

Personal debt is one of the biggest issues affecting UK private households. NWP recognise that during difficult economic times some Police Officers and Staff can face financial hardship, possibly leading to civil court proceedings resulting in County Court Judgements (CCJ), Individual Voluntary Agreements (IVA) or even Bankruptcy.

This section of the policy will assist you to;

- identify what disclosable debt is,
- understand what steps you should take to ensure you access all of the help and support available to you.

Following this procedure will ensure that the integrity and security of NWP is protected and that any duties under the [Police Regulations 2003](#) are complied with.

4.4.1 Definition of Disclosable Debt

Your level of personal debt can be considered disclosable when any of the following conditions occur;

- The level of required repayments to meet an existing debt cannot be met through normal income streams.
- You engage the services of a debt management agency.
- You enter into an Individual Voluntary Agreements (IVA).
- You are subject to a County Court Judgement (CCJ).
- You are subject to a Bankruptcy Order.
- You obtain a Payday Loan.

NWP recognise that debt issues can occur over a long period of time or, suddenly when personal circumstances change unexpectedly. Any individual who is concerned that their level of debt is becoming unmanageable is encouraged to voluntarily disclose this at the earliest opportunity.

Early warning signs are;

- **More month than money?** – If your wages run out before next month's wages then it is time to review your budget.
- **Planning to put special occasions on cards?** – Around 23% of credit card users expect to still be paying off credit card debt six months after Christmas.
- **Paying your mortgage using credit?** - Paying your mortgage this way is one of the most expensive ways to do it, avoid doing this at all costs.
- **Making low repayments on your plastic?** –The amount you pay back on credit cards each month makes a huge difference on how long it takes you to pay off your debt.
- **Have little or no savings?** – One unpredictable event could tip your debt scales if you have no safety net.

4.4.2 Managing Debt – Roles and Responsibilities

Role	Responsibility
4.4.2.1 Police Officers and Staff	• Discharge all lawful debts in accordance with the terms and conditions directed by the lender. • Seek advice and guidance at the earliest opportunity if your level of debt becomes disclosable (as defined by this process). • Ensure you access all of the help and support available to you.

	• Disclose at the earliest opportunity your concerns if your level of debt is beginning to become unmanageable. • Continue to seek to resolve any unmanageable debt levels through approved methods. • Engage Staff Association for assistance in accessing appropriate support.
4.4.2.2 ACU	• Meet with individuals to discuss level of debt and the processes currently in place to manage debt problems. • Where applicable advise on appropriate debt management procedures available e.g. refer to payplan, or other available schemes. • Conduct risk assessment and where applicable advise on further disclosure to line manager or member of SMT. • Agree a review time scale to monitor welfare and debt issues.
4.4.2.3 PSD	• Conduct a risk assessment to quantify risk and where appropriate assist to manage the risk to the individual and the organisation. • Investigate alleged breaches of Police Conduct Regulations where appropriate.

4.4.3 Managing Debt – Reporting Process

Role	Action Required
4.4.3.1 Police Officer/ Staff with a level of debt that is defined under this policy as disclosable	• Disclose this immediately and confidentially via email to anticorruptionunit@northwales.police.uk or request a meeting with a member of ACU. • Ensure that all methods employed to resolve the situation are lawful and in accordance with current recognised procedures (IVA etc.). • Seek the advice and guidance of the appropriate staff association or welfare representatives who are there to help you, see section 4.4.8. • If the level of debt leads to other welfare issues, inform your line manager (or request that your staff association makes this disclosure on your behalf). In such circumstances your line manager will manage your welfare and signpost you to appropriate agencies assisted by HR and staff associations, if not already engaged.
4.4.3.2 Line Manager	If the level of debt leads to other welfare issues • Manage the welfare of the staff member concerned and signpost him/her to appropriate agencies assisted by HR and staff associations (if not already engaged).
4.4.3.3 ACU	• Document any disclosures made. • Conduct a risk assessment to ensure the integrity of the organisation and/or officer/employee is not jeopardised.

4.4.4 Misconduct

Although failure to discharge a lawful debt may amount to a breach of the Codes of Conduct, the Chief Constable recognises that individuals may incur financial liabilities for a variety of reasons, and these will not always result from the willful or otherwise culpable actions. Such individuals will not be dealt with under the misconduct regulations but will be treated with full awareness of their welfare and in line with good employment practice.

Welfare is given priority. However, the failure to settle or deal with a lawful debt may amount to a misconduct offence and occasionally a formal enquiry is required.

4.4.5 Bankruptcy

Where an individual is declared bankrupt by order of a court, they must notify their Divisional Commander / Departmental Head of this fact. This information is passed onto PSD who will consider the circumstances surrounding the bankruptcy.

NWP do not consider bankruptcy in itself as discreditable conduct. However, the circumstances which led to the bankruptcy may indicate breaches of the Code of Conduct and these circumstances will be investigated.

Schedule one of the [Police Regulations 2003](#) – Restrictions on private life states;

(4A) a member of a police force shall not wilfully refuse or neglect to discharge any lawful debt.

The key wording here is '**wilfully refuse**' and '**neglect**;' it is not the aim of the organisation to victimise those who unavoidably find themselves in financial hardship.

4.4.6 Business Interests

If the level of unmanageable debt is negatively affected by an approved business interest then this may trigger review of the business interest by the individual's divisional commander / departmental head.

4.4.7 Vetting

All employees of NWP are subject to vetting. The level of vetting depends on the position within the organisation. Evidence of unmanageable debt may cause a review of an employee's vetting status.

If an employee's vetting status changes, then the Divisional Commander/Head of Department should arrange a risk assessment to be conducted in relation to their suitability to continue in their current role.

Employees identified as carrying unmanageable debt levels may be unable to meet vetting requirements. This could disadvantage them from applying for roles requiring an enhanced level of vetting.

Vetting is carried out in accordance with the Authorised Professional Practice (APP) and Home Office Codes of Practice for Vetting.

4.4.8 Debt Support

4.4.8.1 ACU & Line Management

Following any referral, the individual and ACU will look to agree a timescale for periodic reviews to monitor progress and determine if the individual requires any further support.

ACU will treat any case referred to them as confidential. However, the ACU Detective Sergeant may occasionally need to use their discretion to inform a member of the individual's Senior Management Team of the circumstances (e.g. in cases where an individual refuses themselves following a vulnerability assessment AND the ACU holds the view that any vulnerability to potential corruption; or welfare risk may be heightened if a disclosure were not made). In every case, the individual will be informed of details of what is to be disclosed, to whom, and the reason for this beforehand.

Where an individual makes a voluntary disclosure to a line manager (or one is made on their behalf), the line manager should favourably consider any reasonable request to take annual leave, lieu time and/or flexi for the purpose of attending meetings to address their unmanageable debt.

4.4.8.2 Health and Wellbeing Services

As well as the practical problems persons may also suffer stress about the debt itself or because of personal circumstances that may have caused the debt. Should the individual wish to voluntarily discuss such circumstances then there are a number of welfare services that are available that can provide advice and information in confidence; [Health and Wellbeing SharePoint](#).

4.4.8.3 Federation/Superintendents Association

An officer with unmanageable levels of debt may be susceptible to problems arising out of any breach of [Police Regulations](#) and the [Standards of Professional Behaviour](#). The Federation/Superintendents Association can provide relevant advice and information.

4.4.8.4 Unison

Any Police staff suffering from debt problems and who are members of Unison can contact the Local Unison Representative or Unison national website for advice and information.

4.4.8.5 The Benevolent Fund

The fund provides confidential guidance, comfort and support in cases of sickness, bereavement or other distress to fund members and honorary members and their dependants.

4.4.8.6 External Support

- **The National Debt line**, a comprehensive website offering guidance on dealing with debt. **0800 808 4000** or www.nationaldebtline.co.uk

A 72-page Information Pack entitled "Dealing with your Debts" is available to download which offers practical advice on debt, personal budgeting, sample letters to creditors etc.

http://www.nationaldebtline.co.uk/england_wales/pdf/self_help_pack/full_pack.pdf.

- **Payplan**
- **Insolvency Helpline**
- **Resolve UK**
- **Citizens Advice**
- **Consumer Credit Counselling Service**
- **Money Advice Trust**
- **The Group Insurance Scheme – independent debt service for all members**

4.5 Substance Misuse

This procedure protects the public, officers and staff and the Force from the risks associated with Substance misuse. It considers the health, welfare and wellbeing of all individuals working within the Force.

Any employee of NWP who is known to be or strongly suspected of being at work while under the influence of alcohol or drugs or who takes alcohol or drugs during work time will be deemed to be in breach of this procedure.

Police Officers in certain roles (e.g. undercover work/intelligence gathering) where the drinking of alcohol is deemed necessary, may however be permitted to do so, within reason, but only with the authority of their line manager.

The legal basis for dealing with substance misuse has been written in consultation and with agreement of Unison, The Police Superintendents Association and Police Federation.

The [Police Regulations \(2003, 19 and 19A\)](#) supplemented with the Police Staff Council Joint Circular 51, introduce a power to test Police Officers and Staff for controlled drugs.

This policy is therefore in line with [Home Office Circular \(HOC\) 011/2012](#) which provides guidance on the provisions governing drug and alcohol testing of Police Officers and candidates for appointment as Police Officers.

The 2003 Police Regulations have also been amended and the Police (Amendment No 2) Regulations 2012 are now in force.

4.5.1 General Responsibilities

Role	Responsibility
4.5.1.1 Police Officers and Staff	- Never consume alcohol or use substances inappropriately at any time during work hours, or when you intend to work before the effects have worn off, this includes: - periods when you are 'on-call' or 'on standby' and are being paid to do so; - following late night drinking and/or use of substances when reporting for an early shift - Under legislation, you have a duty to take reasonable care for the health and safety of yourself and any other person who may be affected by your actions or omissions at work. - As per the Code of Ethics maintain your fitness for work and where necessary challenge and report improper conduct. - Whatever your rank or grade, be aware that the use of illegal substances is illegal and ethically incompatible with the public's expectations of the police service. - Be free from illegal substances and free from impairment by any other substances such as alcohol or prescribed drugs (whilst at work or on duty). Consider this carefully, if your role requires clear judgement and reaction (e.g. firearms and air support) where even the slightest degree of impairment could have serious consequences. If you are impaired as above (by alcohol or prescribed drugs) and receive a call to duty, you must decline. - Encourage colleagues who you believe to be suffering from an alcohol or drug related problem to seek help.

	If you <u>suspect that a colleague</u> may have a substance misuse related problem - Initially, encourage that person to seek assistance. - If the concern persists, inform either your or the person's line manager, in confidence. - If the person causing concern is undertaking duties that are hazardous in nature and the suspected substance misuse has a direct bearing on the risk factor associated with those duties, you must inform a supervisor without delay so that immediate steps can be taken to remove that risk. If <u>you have, or suspected that you have</u>, an alcohol, drug or substance-related problem. - Acknowledge your condition and seek assistance from your line manager and / or OHU as soon as possible. - Do not undertake any task or duty that puts either you or others at undue risk. Failure to recognise this and take appropriate action could, in a worst-case scenario, result in catastrophic consequences for yourself and others. On recognising you have an alcohol, drug or substance-related problem. - Approach the OHU for help, even if you decide to seek help from an outside agency rather than from the Force. This enables the OHU to undertake an immediate risk assessment in respect of the problem and your current duties. Matters between yourself and OHU are confidential, except where there needs to be a change of duties or deployment, in which case OHU will liaise with HR (though all medical matters will remain confidential). At all times you will be treated with dignity and personal respect. - It is not acceptable to self-refer <u>after</u> being required to provide a sample in order to avoid misconduct investigation. - Co-operate fully with professional help and support once a problem is identified. If you are prescribed drugs or are taking other medication which may have possible adverse side effects directly bearing on your duties, - Notify your line manager without delay so that duties of a non-hazardous nature can be arranged.
4.5.1.2 Line Manager	- Be aware of this policy and be alert to early indicators of potential problems. On becoming aware of a problem (either directly from the person concerned or through a third party) - Speak with the individual and offer advice, support and guidance in a sympathetic and confidential manner. - Encourage the individual to seek assistance from the OHU by way of self-referral. - Consider the individual's role/tasks and assess the extra risk their condition may have.

	• Take immediate steps to remove the associated risk factors to that individual or any other person. • Inform the Wellbeing Team without delay of the circumstances and the steps taken. • The above does not override your duties to investigate allegations of criminal and disciplinary conduct under legislative powers or the codes of conduct (e.g. member of staff arrives at work and is suspected under the influence of alcohol having driven in - then refer to Sections 4.5.10 & 4.5.10.1). • In cases with no evidence of self-referral and you have been formally notified by a third party in your capacity as line manager of a staff member with a possible substance misuse problem, it may be appropriate to also refer the matter immediately to PSD so that they can take immediate action.
4.5.1.3 OHU (wellbeing team)	OHU is the primary point of referral and contact in all cases so that no one is left without support and follow up. • Encourage early identification of the substance misuse by raising awareness of the problems of drug and alcohol misuse, • Provide guidance to managers and staff. On identifying an individual with a substance misuse related problem • Undertake a risk assessment without delay (usually within 24-48 hours maximum). In some cases this may be carried out by a suitably qualified external provider. It considers the ethical and physical vulnerability of the individual and takes into account the person's current role and duties. Where there needs to be an immediate change of duties and/or deployment prior to commencing any rehabilitation or treatment programme, liaise with HR without delay, to enable any risk factors to be removed. • If a person has been referred to the OHU by a third party and is not willing to receive medical help, or co-operate with any assessment, or denies that there is a problem when there is evidence to the contrary, the OHU will be unable to help them and should therefore refer the matter back to the line manager who will inform PSD of the situation. PSD will then be responsible for any further action deemed necessary which may involve a 'just cause' request under this policy. When an individual has come forward voluntarily for assistance • Arrange for suitable treatment regime's to be made available to the individual to assist with rehabilitation, with a view to return to full duties where possible. • Determine when a treatment regime is complete and whether it was successful or not. If treatment has proved successful the individual will return to duty. The nature of that duty will be determined by a further risk assessment by OHU, particularly in respect of relapse risk factors. Advice may be sought from specialised medical practitioners who, ideally, were involved in the treatment regime. Where appropriate, a specific screening regime may be put in place to minimise any ongoing risks.

	• Seek consent from all self-referrals to enable OHU to advise PSD that assistance/support has been sought. This enables PSD to ensure the individual is dealt with by way of welfare and support and not misconduct. If treatment has proved unsuccessful • Advise HR of the outcome and advise of the fitness of that person for continued service. • Arrangements are in place with external agencies to access specialist assessment practitioners within a short time frame. Depending on the appropriate treatment regime required, rapid access to support, counselling, rehabilitation and Detox programmes have been put in place so that no one need unduly wait for help and support. Where a person has not come forward voluntarily and a substance misuse problem has been identified involving illegal substances • Only advise in respect of treatment regimes. • Be guided by advice from HR who will liaise with PSD.
4.5.1.4 PSD	• Liaise with the Head of the OHU regarding matters relating to their responsibilities under this policy and likewise with the Head of HR. • Investigate all positive results for alcohol and/or substance misuse and in circumstances where a criminal or disciplinary offence may have been committed. • Investigate all refusals and failures to provide a sample under section 4.5.6 of the policy. Testing for controlled substances Results from the screening company will be managed by a nominated PSD staff member using a secure and confidential process. The nominated PSD staff member will: • Provide the main link to the screening company and make the necessary arrangements within the Force so that screening can take place. • Meet the screening team at the chosen location. • Match the random numbers generated by the screening company to an accurate list of staff available for selection. • Ensure necessary room facilities are available and make the necessary arrangements for individuals to attend at that location at a given time. • Take no part in the screening process. You are there to facilitate the process only. In the event of non-attendance of the individual or a refusal/failure to provide a sample you will investigate the circumstances. • Communicate results back to the individual. This will be via Force e-mail (negative) or in person (positive). • Check with the OHU to see if an individual with a positive result has previously self-referred and is undergoing treatment before any requirement to undergo a test was made. If this is the case then no investigation will commence and it will be dealt with as a welfare issue.

	If an individual with a positive result has not self-referred prior to the test - Investigate the matter as you would a non-referral. - Commence an investigation. Be aware that an individual may self-refer for one substance (e.g. cannabis) but test positive for another (e.g. heroin). In such a case where, for example, the heroin use may have been withheld from the OHU and not declared. Where intelligence exists that warrants a “with cause” test - Arrange for the individual to be tested in accordance with section 4.5.6 of this policy. For urgent cases there is an on-call procedure in place that enables a sample collector to be called out and attend within two hours of the request being made. The response time is typically 60 minutes. In non-urgent cases arrangements will be made for the person to be tested as soon as practicable. In all cases where the reason for being tested is under the “with cause” category, - Tell the individual that this is so <i>prior</i> to the test. Testing for alcohol Refer to Sections 4.5.10 and 4.5.10.1 below.
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4.5.2 Support and Counselling

Advice and support will be made available to Police Officers and Staff with an alcohol or substance related problem, even if it may not yet be affecting performance or safety.

Police Officers and Staff who suspect or know they have an alcohol or drugs related problem are encouraged to seek help voluntarily via a number of sources:

- OHU,
- Access to counselling services,
- Their GP or a specialist external agency.

All referrals to the above parties are strictly confidential and bound by the rules of medical confidentiality.

If an individual is offered and accepts the opportunity to seek assistance and/or treatment/counselling, he/she will:

- Take leave (if necessary) as ‘sickness absence.’
- Continue in their current role if OHU determines (in consultation with the manager and individual) that it is appropriate or if it is better to consider finding suitable alternative employment on a temporary or permanent basis.

This may be reviewed on the individual’s return to work/completion of treatment when considering whether it is in the best interest of the individual and the organisation to do so.

Having accepted help, and addressed the alcohol/substance related problem, the employee’s normal career prospects will not be impaired.

4.5.3 Rehabilitation

The Force recognises that an employee may take a period of time to re-adjust during treatment or rehabilitation. During this period, the manager and employee should work closely to ensure full support is provided.

If further problems arise during the process of rehabilitation, or evidence of a relapse, each case will be considered on its merits. Involvement from OHU and HR will attempt to ascertain how much more treatment / rehabilitation time is required for full recovery. Further treatment or rehabilitation time (at the Force's discretion) may be given in order to help the employee recover fully.

It may be necessary to make special arrangements to ensure the employee does not put himself/herself, others, or the Force at risk. In such cases it may be necessary to transfer the individual (temporarily or permanently) to another area of work following full consultation with the individual.

4.5.4 Disciplinary Procedure

Disciplinary and/or criminal investigation will be considered in cases where;

- Co-operation is absent
- A course of treatment is discontinued before completion
- The individual tries to hide a substance misuse problem that is subsequently discovered by substance screening or other means
- The individual seeks help voluntarily but was or is engaged in criminal activity (e.g. offences more serious than 'personal use' of illegal drugs, such as drug dealing)

If an individual has not voluntarily come forward and is "found out" by procedures in this policy (or by other investigatory means) then, depending on decisions regarding discipline etc., support may be offered but limited to advice only and he/she will be responsible for the cost of any treatment rather than the Force.

Occasionally, after the Force has supported an individual to the standard of a reasonable employer, disciplinary action becomes appropriate due to continued use of substances.

4.5.5 Awareness

Advice and information will be made available to all employees on;

- Types of drugs and alcohol;
- Their effects;
- Problems associated with alcohol and substance misuse;
- Signs and symptoms of persons under the influence;
- Support for managers.

4.5.6 Testing

Police Regulations (supplemented with the relevant Police Staff Council Joint Circular) introduce a power to test police officers and staff for controlled drugs/alcohol.

Testing is carried out in the following circumstances;

Scope of Testing		
When	Who	Type of test
Pre-employment Screening (Candidates for appointment to the Force)	Currently only • Police Offices (incl. Special Constables)	Hair sample (until a candidate becomes a 'preferred candidate'**)

during the application process)	• Officers transferring from other forces / law enforcement agencies and those returning to force following a career break • PCSO roles* (*not tested for alcohol)	(**has completed all recruitment stages)
With Cause Testing (where there is reasonable suspicion of substance misuse)	All North Wales employees • Police Officers (including those within their Probation period) • Specials • Police Staff (including PCSO's)	Urine sample
Routine Random Testing	• Police Officers • Specials • PCSO's • Specific Police Staff roles	

4.5.7 Pre-employment Screening

(Candidates for appointment to the Force during the application process)

Different procedures are used to test potential employees compared to current NWP employees.

Role	Action Required
4.5.7.1 Candidate (potential employee)	• Provide a sample when requested to do so, if you do not wish to submit to the test or refuse, you will be withdrawn from the recruitment process or you can self-withdraw. Your details will be submitted to PSD for intelligence purposes. • Complete a short medical questionnaire prior to the test. • A sample of hair will be tested (until you become a 'preferred candidate'). The testing will take place in a suitable room set aside for such purposes.
4.5.7.2 HR / OHU	• Undertake all aspects of the screening of potential recruits (including the taking of information about medications) • Reject any candidates from the recruitment process if they do not wish to submit a sample to a test or refuse (or they may withdraw themselves) • Submit details of rejected candidates to PSD for intelligence purposes.
4.5.7.3 Independent Service Provider/	The testing will take place in a suitable room set aside for such purposes.

Suitably Trained Police Staff.	• Ask candidates to complete a short medical questionnaire prior to the test. • Collect hair sample. • Follow the secure chain of custody through collection, analysis and medical review as set out in protocols issued by the Secretary of State. • Undertake laboratory analysis (by independent service provider).
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- Those who refuse to take a drugs test will ***not*** be offered employment with NWP.
- All who provide a 'positive' drugs test (after laboratory analysis and medical review Medical Review) will ***not*** be offered employment with NWP and will be ineligible to apply for future vacancies.
- There is no right of appeal.
- Transferring Officers who refuse/fail the test will have notice of their refusal/failure referred to their current Force for any action deemed necessary.
- Officers returning to NWP following a career break who refuse / fail the test will be referred to the Appropriate Authority and the vetting department.
- All positive laboratory analysis results are subject to medical review. This is by an independent medical practitioner (arranged by the external independent service provider) who reviews the test result and the individual's medical history to determine if there is a legitimate explanation for the presence of a drug in the sample.

4.5.8 "With Cause" Testing

The definition of 'with cause' testing (not extended sampling) is;

Where there is reasonable cause to suspect an individual is misusing controlled drugs/substances.

For *cause* to be established, the test of 'reasonable suspicion' must be satisfied. It should be made clear to the officer/employee that testing 'with cause' may either prove or disprove intelligence or allegations made. A single and unsubstantiated allegation (particularly, if made by a member of the public who may have malicious intent) does not normally amount to sufficient cause.

Role	Action Required
4.5.8.1 ACU	• Record in writing the reasons for suspecting a Police Officer / Staff member has misused controlled drugs.
4.5.8.2 Head of PSD	• Decide whether the Police Officer / Staff member is required to submit a sample to a 'with cause' test, based on all the information available. • Complete an immediate Risk Assessment of the individual's current role and any criminal or misconduct issues. • Consider 'With Cause – Extended Sampling.' If information/intelligence is corroborated and provides reasonable cause to suspect that a Police Officer (not Police Staff) has used controlled drugs over an extended period (i.e. on more than one occasion).

The individual required to provide a sample will:

- Not receive any advance notice of the requirement to provide each sample.
- Be informed at the first sample that two further samples may be required within the designated time period.

On each occasion a sample is taken, he/she will be:

- Informed of the drug(s) or drug group(s) against which the samples will be tested.
- Entitled to have a “police friend” (as defined in The Police (Conduct) Regulations 2008) present when the samples are being taken. However, delay in a police friend attending will not delay the testing procedure provided you have been able to consult a police friend.

Type of NWP Employee	A ‘With Cause’ request is	Failure to provide a sample will
Police Officer	A lawful order.	Be treated as a <i>failure to obey a lawful order.</i>
Police Staff	An instruction.	Be treated as a <i>breach of the Police Staff Standards of Professional Behaviour.</i>

The penalty for ***refusing*** to take a test is ***no less than*** the penalty for failing a test.

The testing laboratory should have fully documented procedures for the handling and storage of the sample.

4.5.8.3 ‘With Cause – Extended Sampling’ Police Officers Only

Consider ‘With Cause – Extended Sampling’ if information/intelligence possessed by the Head or Deputy Head of PSD is corroborated and provides reasonable cause to suspect that a Police Officer (not Police Staff member) has used controlled drugs over an extended period (i.e. on more than one occasion).

- A Police Officer cannot be recalled to duty/back into work for the purposes of ‘with cause’ testing.

The Assistant Chief Constable (or above) may authorise a maximum of three samples of urine or oral fluid (saliva) be required from a Police Officer in their Force (or on secondment either to or from their Force).

The three samples are required over a ***maximum period of 90 days*** (day 1 is the day on which the first sample is required and the period finishing at midnight on day 90). When calculating the 90-day period, ignore any sick leave periods.

4.5.8.4 Process for all ‘With Cause’ tests (including extended sampling)

Role	Action Required
4.5.8.4.1 Individual requested to provide a test	• Receive a Misconduct Notice briefly outlining the intelligence behind the request <i>prior</i> to the request for a test. • Be informed that, by consenting to the test, the evidence gained may assist in proving or disproving intelligence or information received. • Provide a urine sample for testing.

	Before any <u>Urine</u> sample is obtained • Disclose any medication (prescribed or otherwise), training supplements or other non-illegal substance/liquid which you feel may affect the test results. Such disclosures will be treated in the strictest of confidence and will remain between the donor and the service provider. However, disclosure of an illegal substance or the misuse of prescribed drugs will not be afforded such confidentiality and will be disclosed to the officer in charge of the process. • You will be allowed an opportunity to have an independent analysis of the specimen to challenge the outcome of a laboratory analysis. To facilitate this, when you provide a sample for analysis, it will be split at the time of collection (half for screening purposes and half retained by the service provider). The testing laboratory should have fully documented procedures for the handling and storage of the sample. If you wish to challenge the analysis • Obtain a list of accredited laboratories from the testing laboratory. • Pay any charge involved. • Send written authority from yourself and the Force to release the sample. The testing laboratory will release the sample to the laboratory of choice after receiving this authorisation. On arrival at the second testing laboratory, the chain of custody is checked (especially the seal on the bottle) to ensure it matches the original and has not been tampered with.
4.5.8.4.2 PSD	• Undertake all 'with cause' tests with use of an external service provider. • Serve the individual with a Misconduct Notice briefly outlining the intelligence behind the request <u>prior</u> to the request for a test. • Inform the individual that, by consenting to the test, the evidence gained may assist in proving or disproving intelligence or information received. • Inform the individual that the penalty for refusing to take a test is <u>no less than</u> the penalty for failing a test. Before any <u>urine</u> sample is obtained • Ask the individual to disclose any medication (prescribed or otherwise), training supplements or any other non-illegal substance/liquid which they feel make affect the result of their test. Such disclosures will be treated as confidential and remain between the donor and the service provider. However, disclosure of an illegal substance or the misuse of prescribed drugs will not be afforded such confidentiality and will be disclosed to the officer in charge of the process. • Allow the individual an opportunity to have an independent analysis of the specimen to challenge the outcome of a laboratory analysis. To facilitate this, when an individual provides a sample for analysis, it will be split at the time of collection (half for screening purposes and half retained by the service provider). If the individual wishes to challenge the analysis

	- the testing laboratory can provide a list of accredited laboratories willing to undertake the analysis. There is a charge involved (normally paid by the individual). - Send written authority from the Force and the individual to release the sample. The testing laboratory will release the sample to the laboratory of choice after receiving this authorisation. On arrival at the second testing laboratory, the chain of custody is checked (especially the seal on the bottle) to ensure it matches the original and has not been tampered with.
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Substances covered by Test:	Important note
Amphetamines (including ecstasy)	NOTE: 'With Cause' Tests involving Police Officer or Special Constable , may cover one other controlled drug or drug group in addition to those listed (providing the individual is informed prior to the procedure of the drug(s) or drug group(s) for which he or she is to be tested).
Cannabis	
Cocaine	
Opiates (e.g. Morphine and heroin)	
Benzodiazepines	

4.5.8.5 Screening of Samples (With Cause Testing Only)

Any test relied upon in disciplinary proceedings must be conducted through laboratory analysis. However, on site 'random' screening using portable devices may be used for urine samples only, to screen out persons tested during the 'with cause' process. When an individual is screened out using such a device, they are deemed to have provided a negative sample. The individual should be immediately informed of this result.

4.5.8.6 A non-negative result at screening stage

The residual urine sample from this screening test will be sent to a forensic laboratory for full analysis and medical review. The individual should be advised of the non-negative initial screening result and the fact that any such result is only provisional, and that further laboratory analysis and medical review could produce a negative final result.

The Officer in charge should inform the Head or Deputy Head of the PSD immediately of any initial non-negative screening test result. He/she is responsible for ensuring a risk assessment is completed. There may be a risk in continuing to deploy the individual in their full range of duties/employment.

The Appropriate Authority, in consultation with the Head or Deputy Head of PSD (for Police Officers or Special Constables) or the Head of HR (for Police Staff) will decide the duties due to be undertaken based upon the risk assessment. There will be a presumption of removal from duties involving contact with the public. Formal suspension is appropriate only if a positive result is confirmed from laboratory test analysis and medical review.

Samples from 'randomly' carried out tests will be submitted directly to the laboratory without conducting a screening test first to save on time and cost.

All results following laboratory analysis are returned to the PSD.

Where the test result is negative, PSD must notify the individual concerned, relevant line managers and relevant staff association representative.

However, if a negative result of the test is returned from the laboratory, together with evidence that the sample was in any way tampered with or had been diluted to avoid detection of drugs within it, this will be termed a positive result. The Head or Deputy Head of PSD will consider criminal or misconduct action.

A non-negative test result from the laboratory will be referred to an independent medical practitioner provided by the service provider, to conduct a medical review to determine if there is a legitimate explanation for the drug in the sample. The independent medical practitioner will review the evidence and ascertain the origins of the drugs identified. If the presence can be explained by the use of prescribed or proprietary medication, it will be deemed a negative result. PSD must then inform the individual, line manager and relevant staff association representative.

If the presence of the drug cannot be accounted for, it will be deemed a positive result. The independent medical practitioner will report this to PSD together with details of the drug involved.

The Head or Deputy Head of PSD will decide what criminal or misconduct action to take before informing the individual concerned. Consideration will be given to:

- Serving the individual (officers / staff) with a Notice under the relevant Police Regulations;
- Obtaining a first account from the individual regarding the positive result;
- Searching the individual's home whether with their consent or under the provisions of a search warrant gained under Section 23 of the Misuse of Drugs Act 1971 (depending on the circumstances of each case);
- Suspension of the individual by the Appropriate Authority (NPCC rank).

4.5.9 Routine Random Sampling

Regulation 19A (Police Regulations 2003) introduced the power to test for controlled drugs. This has also been adopted for Police Staff members, volunteers and agency staff.

Following the introduction of Home Office circular 11/2012 an amendment was made to regulation 19(1)(d) (Police Regulations 2003) so that any serving police officer (selected in accordance with a regime of routine random testing) may be required to provide a sample. This covers those previously termed as Safety Critical Posts. Officers in vulnerable posts are also subject of random testing. They can be tested randomly as a group in their own right or part of force random testing undertaken by PSD.

Although the Safety Critical Roles category has been removed from Police Regulations, it is still recognised by NWP that such roles (Firearms personnel and Advanced drivers i.e. high risk roles - Police Officers and Police Staff) should be subject to random testing more frequently than those in lower risk roles.

When any individual is suspected to have used a controlled drug and the requirement to screen is urgent

- Contact PSD to evaluate the matter. If a test is required, they will make the necessary arrangements. In urgent cases when no PSD officer is available, the senior cadre officer on duty/on-call can be contacted and they will perform the role of the PSD officer until one is available. The Force does not have 24/7 PSD cover.

An individual will be referred to PSD if;

- On giving a sample is found to have taken a specified controlled drug; or

- is in a Safety Critical Post and found to be unfit for duty (with more than 13 micrograms of alcohol in 100 millilitres of breath or 40 mg/100ml urine)

4.5.9.1 Refusal to Provide Samples

Refusal to provide a sample for testing is a disciplinary offence, resulting in a formal investigation by PSD. For Police Officers it is a breach of Police Regulations (Regulations 10 & 19A) and for Police Staff a breach of their Terms and Conditions of employment as detailed in the 'Police Staff Council England and Wales – Pay and Conditions of Service Handbook' (Part 3, Guidance Note 7).

Police Officers and Staff should be clear of the consequences of refusing to provide a sample or failing to be amenable so that a suitable sample is obtained. The consequences may result in the termination of employment with the Force.

4.5.9.2 Communicating Results

Results from the screening provider are returned by secure e-mail to PSD. They will communicate results back to individuals; this will be via Force e-mail (negative) or in person (positive).

OHU will also be informed of any positive results in order to check whether the person concerned has self-referred prior to the time of the screening test. They will also deal with any medical related queries arising from the screening process. PSD are responsible for the investigatory process and will take advice from OHU and/or medical specialists in cases of positives deriving from legitimate substances.

Any self-referral to the OHU prior to a positive test ensures individuals are dealt with by way of welfare and support, and not misconduct.

4.5.9.3 Testing Procedure

Testing will be carried out without advance notice. It will be completed by an external testing agency using suitable qualified and experienced staff. Appropriate techniques that involve a legally defensible carefully controlled dual sample evidence chain will be used and sample collection will involve non-invasive methodologies (generally urine or hair samples). There will be a secure chain of custody through collection, analysis and medical review.

Split samples shall be used in all cases that go forward to laboratory analysis. The individual will be offered a sample that they may have tested independently to challenge the result of a test on the other sample.

The testing for alcohol shall be carried out without advance notice and using breath testing equipment capable of taking measurements at the **13 micrograms** percentage level.

4.5.9.3.1 List of Police Staff roles agreed by UNISON for Random Testing

Job Title	Reason for Random testing
Anti-Corruption Investigator	Vulnerable post/ Evidential
Auto-Electrician and Radio fitter Fleet	Health & Safety (not yet agreed)
Body shop operator Fleet	Health & Safety (not yet agreed)
Child sexual exploitation officer	Evidential
Complaints and Misconduct Officer	Vulnerable post/ Evidential
Complaints and Misconduct Investigator	Vulnerable post/ Evidential

Crime Scene Investigator	Evidential /Drugs
Deputy trainer Force Communications Centre	Call taker/ Decision maker
Detention and Escort support	Vulnerable post Evidential
Domestic Abuse officer	Evidential
Driver Fleet	Health and Safety
Driver assessor trainer	Health and Safety
Firearms enquiry officer	Health and safety firearms
Firearms Enquiry supervisor	Health and safety firearms
Incident Handling Officer Force Communications centre	Call taker/ Decision maker
Incident Handling Supervisor Force Communications centre	Call taker/ Decision maker
Incident resolution support	Call taker/ Decision maker
Investigation officer	Evidential
Investigator Professional Standards	Vulnerable post / Evidential
Motorcycle speed reduction officer	Health and Safety
Offender Management officer	Vulnerable post / Evidential
PCSO	Evidential
Property Support	Evidential / drugs
Public Enquiry Support	Evidential / drugs
Public Order CBRN Operational trainer	Health and Safety
Public service support Force Communications Centre	Call taker/ Decision maker
Public Service Unit Supervisor Force Communication Centre	Call taker/ Decision maker
PVP case investigation Officer	Evidential
Road Safety Officer	Health and Safety
Serious Organised Crime Team Investigator	Vulnerable post / Evidential /Drugs
Speed Reduction officer	Health and Safety
Team leader Driver training	Health and Safety
Technician Fleet	Health and Safety
Trainer Force Communication Centre	Call taker/ Decision maker
Vehicle examining officer	Health and Safety

4.5.9.3.2 CBD Oil and Hemp Products

The increase in awareness and media interest around the use and legality of cannabis medicines, including CBD Oil and Hemp products, may cause confusion amongst staff on where they stand should they wish to use widely available products. ACU have prepared a CBD Oil Guideline for all Employees to assist staff in making informed decisions on CBD oil use and the associated risks. The guideline can be found on the PSD SharePoint site under [Policies and Guidance](#).

4.5.10 Alcohol

Self-declaration of a drink problem, as with other drugs, is a matter managed by OHU rather than a disciplinary matter.

If it appears that a NWP employee is under the influence of alcohol, there is a power to conduct tests ‘with cause.’

4.5.10.1 “With Cause” Testing for Alcohol

If a Supervising Officer / Line Manager smells alcohol on the breath of any NWP employee, they should consider alcohol testing. A breath alcohol test can be administered after a wait of 15 minutes; this is to deal with the eventuality that at the time the suspicion of excess drinking is aroused, a proportion of the alcohol consumed may still be in the

individual's stomach. Alcohol must be absorbed into the body to register in a breath alcohol test.

A person is unfit to work in a safety critical area if they have more than 29 mg per 100ml in blood (40 mg per 100ml in urine, 13 micrograms per 100ml in breath). The legal limit for driving is 80 mg per cent in blood and 35mg per 100 ml of breath.

Testing is conducted using breath testing equipment capable of making measurements at the 13 micrograms per cent level (equivalent to the 29 mg per cent blood level). Never test using apparatus held in a custody suite unless the suite is cleared of all other users.

Each "breath test" should consist of two consecutive breath specimen tests from the individual, with the final result being declared as the lower of the two results.

All NWP employees who are liable to routine random alcohol testing (see criteria as for drugs above) should be aware that this testing could occur at the same time or separately from the random drug testing phase.

4.5.10.2 Random Testing for Alcohol

Testing for alcohol is carried out without advance notice and at the same time as the screening test using breath testing equipment capable of taking measurements at the 13 microgram's percentage level.

Positive results may lead to criminal action (potential breathalyser offences under the Road Traffic Act) or formal disciplinary proceedings.

NWP will have due regard to privacy during the testing procedures. NWP will ensure that the testing is conducted in a sensitive manner and that test results are handled in a secure and confidential manner. Records of test results will be retained in accordance with Data Protection principles and NPCC National Guidance on the minimum standards for the Retention and Disposal of Police Records 2017; PSD Complaints/Conduct and Vetting records.

Those NWP employees that are liable to be tested are defined in [Section 4.5.9.3.1](#) of this policy and are therefore identical to those that are subject of the Random Drug Testing procedure.

As mentioned in [Section 4.5.9](#) Random Drug Testing, although the Safety Critical Roles category has been removed from Police Regulations, it is still recognised by NWP that such roles (Firearms personnel and Advanced drivers i.e. high risk roles - Police Officers & Police Staff) should be subject of random testing more frequently than those in lower risk roles. The same applies for alcohol.

4.6 Gifts, Gratuities and Hospitality Procedure

During the course of their duties in the community, police officers or staff may be offered gifts or hospitality which does not in any circumstances amount to an integrity breach on the part of either party (e.g., the provision of light refreshments as a common courtesy in line with policing duties, inexpensive promotional products from partnerships or conferences, or discounts aimed at all members of the wider police service). Occasionally, refusing such offers may cause unnecessary offence or might hinder productive working relationships. However, accepting such offers may be mis-interpreted and could lead to inaccurate expectations of favour or service. If in any doubt, seek advice from the PSD.

This section seeks to;

- provides guidance on the boundaries of acceptability regarding the receipt of gifts or hospitality;
- ensures a clear understanding of how acceptance of gifts, gratuities or hospitality can serve to undermine an individual's personal and professional integrity.

The offer of any gift or hospitality can vary widely according to the circumstances and will range from readily identifiable examples of criminality (such as a breach of the [Bribery Act 2010](#)) through to instances of entirely appropriate and reasonable displays of gratitude and common courtesy which do not breach integrity of any party.

The [Bribery Act 2010](#) contains two general offences;

- Section 1 covers the offering, promising or giving of a bribe;
- Section 2 the requesting, agreeing to receive or accepting of a bribe.

The provisions of the Act extend the definition of bribery to include seeking (or agreeing) to bring about improper performance of duties, which includes a public function such as policing. Improper performance amounts to any breach of an expectation that a person will act in good faith, impartially, or in accordance with a position of trust.

The Bribery Act does not prohibit reasonable and proportionate business hospitality or similar expenditure, however, equally it is clear that any hospitality, promotional or similar business expenditure can be employed as a bribe. In consideration of this the relative lavishness of any such expense has to be judged against the industry norm and the extent to which the gratuity, hospitality is connected to the business in question.

It is in this context that the existence of a force register of previously offered or accepted gratuities or hospitality is both entirely relevant and desirable.

To help determine the boundaries of acceptability of any gift, gratuity or hospitality consider: -

- **Is it Genuine?**
 - Is this offer made for reasons of genuine appreciation for something I have done?
 - Why is the offer being made?
 - What are the circumstances?
 - Have I solicited this offer in any way or does the donor feel obliged to make this offer?
- **Is it Independent?**
 - Would the offer or acceptance be seen as reasonable in the eyes of the public?
 - Would a reasonable bystander be confident I could remain impartial and independent in all the circumstances?
- **Is it free?**
 - Will I feel obliged to do something in return?
 - How do I feel about the propriety of the offer?
 - What are the donor's expectations of me should I accept?
- **Is it Transparent?**
 - Would I be comfortable if my acceptance of this offer was transparent to my force, colleagues, and to the public or if it was reported publicly?
 - What could be the outcome for the force if this offer was accepted or declined?

4.6.1 Gifts

A gift may be accepted if it is:	A gift should <i>not</i> be accepted if it is:
• Of a small or inexpensive nature (for example, diaries, calendars, stationery or other small items offered during a courtesy visit or conference); • A small commemorative item from visiting overseas law enforcement or government agencies or similar organisations; • A bona fide, unsolicited and inexpensive gift of thanks from a member of the public or victim of crime offered to individual officers or teams in genuine appreciation of outstanding levels of service and where the offer of such a gift or hospitality cannot be courteously refused in a manner that does not cause offence or embarrassment to the organisation or individual making the offer. • Alcohol; small gifts, e.g. single bottle of wine, 4-6 bottle of beer or equivalent.	• From an external contractor or company tendering, or known to be seeking to tender for work with the force or wider service; • Any cash payment or vouchers having a cash value (other than donations to specific police charities or police supported charities) • A financial reward resulting from the publication of articles relating to the intended recipient's role or duties as a member of the police service; • Alcohol; large gifts, e.g. case of wine (6) or beer (6+ bottles) or bottle of spirit • Offered from a journalist.
<i>All such gifts should be declared to PSD by completing the online form for inclusion in the Force Register</i>	<i>The offer and refusal of such gifts should be declared to PSD by completing the online form for inclusion in the Force Register</i>

4.6.2 Gratuity

A gratuity may be accepted if it is:	A gratuity should <i>not</i> be accepted if it:
• An offer or discount negotiated through the Police Federation, The Superintendent's Association, or other staff associations or trade union. • A discount to public service workers including members of the police Service offered on the basis that the organisation in question has a large customer base (and the force has given explicit approval for such an offer). • Free or discounted travel arrangements for officers and staff on active duty, if approved and formally negotiated through the force to support operational policing and public service.	• Amounts to individual gain from an employment position or other possession of force assets (including lease vehicles), via a point (or any other form) of loyalty scheme when purchasing services, items, or fuel are not permitted.

<i>There is no requirement to declare any gratuities to PSD for inclusion in the Force Register</i>	<i>There is no requirement to declare any gratuities to PSD for inclusion in the Force Register</i>
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4.6.3 Hospitality

Hospitality may be accepted if it:	Hospitality may also be accepted in limited circumstances if it:	Hospitality will not be accepted if it;
- Extends to the impromptu provision of light refreshments during the course of policing duties. - Is a conventional meal provided during the course of a working day by another police force or partner agency in either law enforcement or community safety.	Is a conventional meal and may extend to the limited consumption of alcohol commensurate with the occasion, and is in accordance with the recipient's duties, for example attending a meeting, seminar or conference organised by an external body; the annual dinner of a representative association or local authority which is limited to isolated or infrequent occasions and can be demonstrably in the interest of the force to attend.	- Amounts to regular free or discounted food or refreshments on duty, or off duty where the hospitality offered is made because the recipient is a police officer or a member of police staff. - Includes a degree of lavishness which is outside of the industry norm or is beyond any sense of common courtesy or reasonableness. This is particularly relevant to any more than the minimal consumption of alcohol in a casual or informal setting.
<i>There is no requirement to declare any such hospitality in the Force Register.</i>	<i>Any such offer of hospitality should be declared in the Force Register by completing the online form</i>	<i>All refused offers of hospitality should be declared in the Force Register by completing the online form</i>

4.6.4 Providing Hospitality

Police officers and staff may provide hospitality in the following circumstances: -

- Reciprocating hospitality for visitors to the Force.
- Acknowledging support provided to furthering policing effort.
- Recognising achievements of staff (e.g. award ceremonies etc.).
- Providing a forum for the exchange of skills and experience, relating to police / professional related activities.

Generally these encompass;

- Working meals to enable parties to continue to discuss business.
- Light buffets e.g. for awards, ceremonies or opening launches - Departmental Heads have responsibility for such hospitality expenditure.

4.6.5 Acceptance of Gifts and Hospitality by Spouse or other Relatives

Acceptance on behalf of, or in lieu of, a person in their capacity as a Police Officer / Staff could have the same consequences as if the Police Officer / Staff accepted it him / herself. Acceptance by spouses or other relatives on behalf of, or in lieu of, a person in their capacity as a Police Officer / Staff should therefore comply with this policy.

4.6.6 Force Register of Gifts / Gratuities / Hospitality

PSD maintain a register for all gifts offered and/ or accepted for all staff. The register is published in line with freedom of information publication scheme procedures.

All gifts, gratuities and hospitality are recorded in a register, which contains;

- Details of the person who gave or offered the hospitality.
- Description of the gift, gratuity or hospitality including value.
- Circumstances in which it was offered or given.
- Details of the employee who received or was offered the gift or hospitality.
- Whether or not it was accepted.

Such information is deleted once six years has elapsed. It is not necessary to register a token gift or hospitality of minimal value (e.g., a modest promotional gift given to various people and not uniquely to an individual, for example a pen or a diary).

4.6.7 Monitoring

ACU monitors submissions to the force register to ensure compliance against policy and for the identification of risks and / or trends to the individual and / or organisation. The register is reviewed alongside Business interests and procurement details.

4.6.8 Disclosure

The **Chief Constable** has responsibility for making the decision as to whether information contained in the register is or is not released to a third party.

4.6.9 Summary of Roles and Responsibilities

Role	Action Required
4.6.9.1 Police Officers and Police Staff	• Seek advice from the PSD if in any doubt. • Do not accept any gift, gratuity, favour or hospitality unless it complies with the circumstances and considerations set out above, because to do so might compromise impartiality or give rise to a perception of such compromise.
4.6.9.2 PSD	• Offer advice to Police Officers and Staff.
4.6.9.3 ACU	• Monitor submissions to the force register to ensure compliance against policy and to identify risks and / or trends to the individual and / or organisation. The register must be reviewed alongside business interests and procurement details.
4.6.9.4 Chief Constable	• Decide whether information contained in the register is or is not released to a third party.

4.7 Membership Interests in the Police Service

This provides the public and members of the organisation with a mechanism that creates confidence in the integrity of the organisation and policing.

The Home Affairs Select Committee recommends that Police Officers, Magistrates, Judges and Crown Prosecutors should be required to register membership of any secret society and that the record should be publicly available.

NWP

- broadens such an approach to include membership of interests which, by their very nature, may raise similar concerns amongst the general public.
- recognises that if the Police Service is to demonstrate impartiality when taking decisions or action, it is appropriate that even the suspicion that individuals are subject to improper influence is removed. Openness in regard to membership of secret societies or, where it is believed or perceived that a conflict of interest may occur is essential if public confidence in the impartiality of the police service is to be maintained. Compulsory registration of membership interests has been ruled out.
- is committed to establishing and maintaining a voluntary register of membership interests.

4.7.1 Definition of an “Interest”

“Where it is believed or perceived by any person that membership of a group or society which has a secret membership (or otherwise) or conducts its business in secret (or otherwise), and such membership is believed or perceived to impact upon the impartiality or give rise to a conflict of interest of membership of the NWP or the Special Constabulary in the discharge of their duties.”

4.7.2 Summary of Roles and Responsibilities

Role	Responsibility
4.7.2.1 Police Officer and Staff	• Voluntarily declare their membership or non-membership of any interest group when appointed. • Obtain guidance from PSD if you are unsure whether the group is an “interest group.” • Declare any change in circumstances annually.
4.7.2.3 PSD	• Provide guidance to Police Officers and Staff.
4.7.2.4 Superintendent PSD	• Ensure the security of the register and that it is also properly maintained.
4.7.2.5 Chief Constable	• Decide whether or not to establish a register of interests, in the absence of legislation. • Do not allow inspection of the register by members of the public or staff unless there are legitimate and specific grounds for doing so.

4.7.3 Registration Process

The registration process gives the Chief Constable the authority to release the information to a third party, which in his / her judgement requires action to be taken.

The judgement of the Chief Constable will be confined to those issues contained in Article 8(2), 9(2), 10(2) and 11(2), of the Human Rights Act 1998.

All Police Officers and Staff are invited to declare any change in circumstances annually.

Serving Police Officers are reminded of the restrictions imposed by Schedule One, [Police Regulations 2003](#) – specified organisations from which membership is banned.

4.7.4 Declarations and Disclosures

As this is a voluntary system, it is not compulsory to complete a declaration.

Role	Action Required
4.7.4.1 Police Officers and Staff	- Make your declaration via personal email or signed memorandum and include the following statement: - “I wish to declare that I am a member of the following group(s) (please specify). I understand that the disclosure of this document will be as that detailed in Section 4.7 of the Force Counter Corruption Policy. - Include your full name, collar / staff number, date and signature. - Submit the declaration to ACU. - You will receive notification in writing from the Chief Constable when your declaration is disclosed (or when a request for disclosure has been made but refused), unless in his / her opinion, such a notification would impede a criminal investigation. This notification will include; the identity of the person to whom the entry is disclosed and the reasons given when requesting the disclosure.
4.7.4.2 ACU	- Keep submitted declarations in the Register of Membership Interests. - Disclose details of specific entries on the register to any member of the public or member of staff who gives legitimate and specific grounds for doing so, and then <i>only</i> with the Chief Constable’s approval.
4.7.4.3 Chief Constable	- Disclose entries on the register in the form of a letter (or in your absence, the Deputy Chief Constable) containing similar words to <i>“On examination of the North Wales Police Voluntary Register of Interests, I wish to inform you that the member of staff has made the following voluntary declaration.”</i> alternatively, <i>“Has not provided a voluntary declaration form for inclusion in the register.”</i> - Give the reason for refusal to the person making the request if a request for disclosure has been refused. - Notify the individual in writing when his / her declaration is disclosed (or a request for disclosure has been made but has been refused), unless in your opinion, such a notification would

	impede a criminal investigation. This notification will include; the identity of the person to whom the entry is disclosed and the reasons given when requesting the disclosure.
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4.7.5 Prohibited Use of the Register of Membership Interests

The register of membership interest should not be;

- Used in connection with any recruitment, selection or promotion process.
- Photocopied or be reproduced in any other form.
- Viewed for personal inspection.

4.7.6 Removal of Entries on the Register of Membership Interests

Role	Action Required
4.7.6.1 Police Officers & Police Staff	• Request at any time for your entry on the register to be amended or removed.
4.7.6.2 Superintendent PSD	• Ensure the register is updated, as necessary. • Ensure entries to the register are removed and destroyed following the resignation / retirement of the member of staff.
4.7.6.3 SSF HR	• Ensure notification is given to the Superintendent PSD concerning the resignation / retirement of any member of staff or Special Constabulary.

4.8 Donations to Police Charities Procedure

Departmental Heads are responsible for deciding if offers of donations should be accepted.

Any donations received will be submitted to the Finance department at Force Headquarters.

Appropriate funds for donations include: -

- NWP Benevolent Fund;
- Funds for the benefit of Police Dependents, Children, Orphans, Convalescent Home;
- Other registered charities considered appropriate by the relevant divisional commander / head of department.

4.9 Integrity and Service Confidence Procedures

ACU may conduct Integrity Interviews with Police Officers and Staff as part of enquiries following information received. This procedure establishes clear and consistent processes in the use of Integrity Interviews.

An Integrity Interview;

- prevents crime and disorder;
- maintains public safety;

- protects the rights and freedoms of all concerned, where it is deemed necessary to clarify unresolved allegations or intelligence that cannot be verified but raises issues and / or concerns sufficient to warrant a discussion with the individual.

This procedure is a duty conferred by Sec 1 & 2 of the Police Reform and Social Responsibility Act 2011 and Schedule 3 Part 2 of the Police Reform Act 2002.

The objectives of an integrity interview are to;

- Seek an account or explanation through informal means in response to the information provided to the employee.
- Identify any personal or professional vulnerability in an attempt to reduce risks to the integrity of both the individual and the organisation.
- Seek a resolution that considers the needs of both the individual and the organisation.
- Maintain and enhance public confidence in the service.

The following should be considered to determine if an issue is suitable for an integrity interview:

- The grading of the intelligence.
- Lack of corroboration and the behaviour in isolation does not constitute criminal or misconduct offences.
- That other proportionate enquiries have been completed.
- Undeclared Notifiable Associations / Business Interests or gratuities can be appropriate for integrity interviews if not considered part of a criminal or misconduct investigation.
- Do the issue relate to any of the [Code of Ethics](#) principles?

4.9.1 Interview Procedure

4.9.1.1 Pre-Interview

The Integrity Interview is conducted by a member of ACU on the basis that they are the recipients of the original information and any further dissemination of the information could increase the risk of inappropriate disclosure or potentially breaching the Human Rights of the individual concerned.

The below text or similar should be used on initial contact with the individual concerned.

'Information has been received which requires me to speak with you by way of an Integrity Interview. In order to assess this fully, you are requested to attend athrs. on..... If you are unable to attend at this time can you contact me as soon as possible to make alternative arrangements. Please note this interview does not fall under the formal discipline code/procedures, your SMT has not been notified of this action at this time, however you are at liberty to discuss with others and entitled to have a Staff Association, Union Representative or work colleague present during interview if you wish.'

The individual should be advised as to the subject matter at this initial contact stage unless it is either detrimental to the enquiry or the original information is sensitive. Any sensitivity status will be regularly reviewed to ensure it remains valid. Subject to the above, if not already done so, disclosure must be made at the point of interview.

The individual will also be given a copy of 'Notice to Staff' to assist with seeking Staff Association or Union Representative advice. Before the commencement the individual

will be requested to sign an acknowledgment and understanding of the purpose of this process.

There are two versions of the 'Notice to Staff' to assist both the individual and Staff Association or Union Representative in determining the level of representation required at the meeting;

- Non-Service Confidence Procedure ([Appendix D](#))
- Service Confidence Procedure ([Appendix E](#))

The Service Confidence Procedure is outlined at [Section 4.9.2](#) of this Policy.

4.9.1.2 Interview

A standardised 'Record of the Integrity Interview' will be made ([Appendix F](#)).

The interviewing officer will state the following during the introduction:

- This is not a disciplinary/misconduct interview.
- The interview may, with your permission, be audio recorded for ease of dialogue.
- The record of interview and any notes etc. will be kept secure within ACU, they do not go on personnel files and are governed by NRAC guidelines.
- Your line manager will only be made aware of the subject of the interview if appropriate (e.g. CPD log entry is required) and you will be made aware of this at the conclusion of the interview.
- If a more serious concern is identified during the interview it will be terminated immediately, you will be advised accordingly and where necessary cautioned and allowed to seek further advice where appropriate. A formal written notice must be served as soon as practicable.

4.9.2 Service Confidence Procedure

Service confidence procedures will apply to all police officers and police staff.

Occasionally, some individuals do not deserve the confidence of the service to undertake a particular role or serve in a particular capacity. There will be cases where verifiable information or other intelligence comes to the notice of investigators where criminal or misconduct investigations and procedures are not appropriate or are not possible, yet "serious concerns" still arise about an individual's integrity that requires management action both for the protection of that person and the organisation. In such cases, if individuals have lost the confidence of the organisation to continue in their current role, they will be considered for redeployment to a position that reduces the vulnerability of the organisation and the individual.

This process creates a framework to address such a loss in confidence. It must be emphasised that criminal or misconduct investigations and procedures will always be the preferred course of action. This process will only be invoked if neither is appropriate, possible or required. If this process has already started there is a presumption that the individual will be informed of the full reasons and given sufficient information to make a response. However, occasionally verifiable "confidential or source sensitive" information or intelligence forms the basis for use of this process. In these cases full disclosure may not be possible.

Determining whether there is "serious concerns" about an individual's integrity is based on an assessment of all the intelligence and evidence, including source sensitive material. The evidence must establish that it is more probable than not that the individual's integrity is in question. Due regard is paid to the principle of fairness. The test is applied at all stages of the procedure.

4.9.3 Definition of “Serious Concerns”

Providing a precise definition is not possible and each set of circumstances must be judged on merit. As a guide, consider the following;

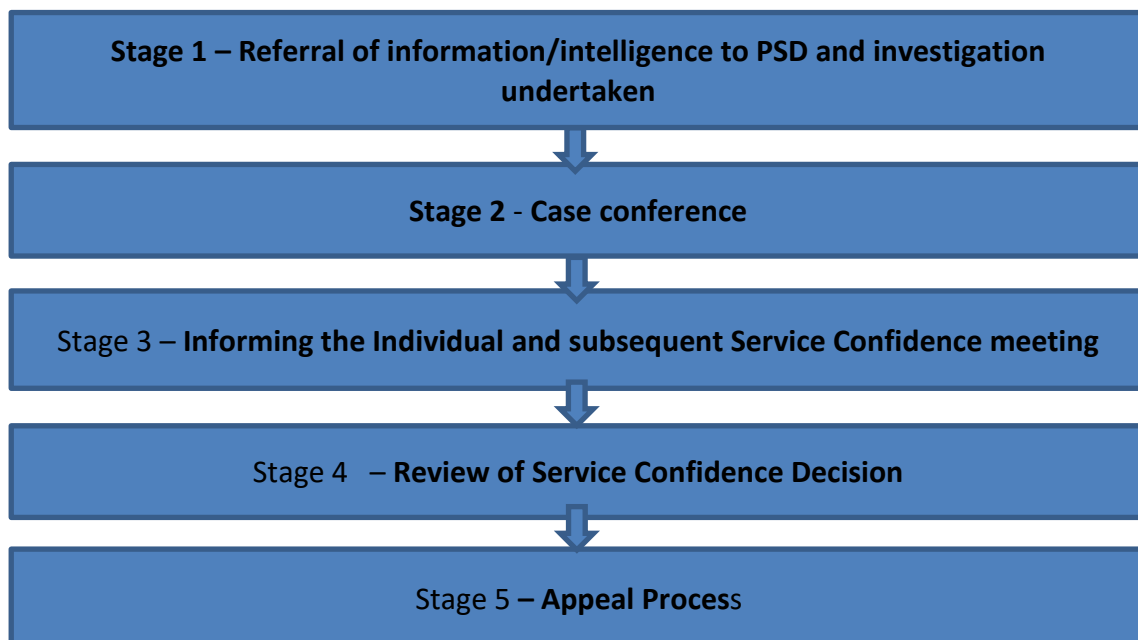
- The individual’s credibility as a witness of truth in police prosecutions and the requirements for disclosure.
- The nature of the current post and the potential risk to the public, colleagues or operations if the individual continues in post.
- The risk caused by improper association with criminals and potential corruption.
- Suspected unethical or dishonest conduct or corruption.
- An assessment of the risk of recurrence.
- Whether the alleged action was taken knowingly or recklessly.

4.9.4 Confidential or Source Sensitive Information

Occasionally, intelligence/evidence is received which cannot be disclosed or disseminated due to:

- Prevention by legislation
- Being provided by source for intelligence purposes only and not for further dissemination
- Disclosure compromising investigations or individuals.

4.9.5 Stages



4.9.5.1 Stage 1 – Referral

When information or intelligence raises serious concern about an individual’s integrity or judgement, the recipient has a duty to make a report directly to the Head or Deputy Head of PSD.

The Head or Deputy Head of PSD will make an assessment based on all the material, including ‘confidential material’ and inappropriate association intelligence and will, when appropriate, complete a report marked ‘Confidential’. This report will be holistic and may include other information gleaned from the ACU department which could incorporate

any previous concerns, incidents or intelligence. The report which will be submitted to the ACC, will set out:

- The information/intelligence in detail.
- Full identity details of the police officer or police staff member involved.
- An assessment of the risk to North Wales Police and/or to the public.
- Reasons why it is considered that further investigation or criminal/ conduct proceedings are not appropriate and/or are not sufficient.

4.9.5.2 Stage 2 – Case Conference

The Assistant Chief Constable then reviews the report and decides whether or not a case conference should be held.

If a case conference is decided as the most appropriate course of action, the ACC will chair and, depending on the circumstances, should be attended by: -

- The Divisional or Departmental Commander of the individual concerned,
- The Head or Deputy Head of PSD,
- Representative from Business Services HR,
- Representative from Legal Department,
- Association or Trade Union Representative with consent of person subject to proceedings).

It is for the ACC to make the final decision whether the attendance at the Case Conference should be restricted due to the confidential nature of information to be discussed and that includes discretion to restrict the attendance by a member of the Staff Association or Trade Union Representative if necessary and appropriate. (In such cases a full rationale will be provided when appropriate to allow for the appropriate recourse / appeal process)

This meeting is closed and confidential to enable a free and frank exchange of information and intelligence about the subject. The meeting will decide whether to carry on with the procedure and if so, to consider and decide the following: -

- Whether to proceed with the process
- What can be discussed beyond the closed meeting?
- What protection measures should be put in place, such as redeployment, restriction of access to information and intelligence systems, restriction of duties etc.
- Training or developmental action plans etc.?
- Divisional responsibilities in identifying supervisor and action plan with a view to reporting back to PSD as part of monitoring process.
- What can and cannot be disclosed to the individual and or their representative?
- When is the next review and how long will the individual be subject of these procedures? The period stipulated will commence from the date of the case conference or, if applicable, from the date of the review/appeal.
- Whether there are implications for other areas of Force business
- Whether the case is one where Service Confidence can be regained
- Impact on suitability for promotion
- Issues regarding Vetting Status
- Whether the issues should be revealed to the Crown Prosecution Service under the terms of the Joint Operating Procedures

A record will be kept of the conference and a full record of the decision-making process maintained and kept on confidential file within PSD.

4.9.5.3 Stage 3 – Informing the Individual and subsequent meeting

After the case conference, the Divisional or Departmental Commander will meet with the individual concerned to inform him / her of the recommendation.

Wherever possible, prior to the meeting the individual should be provided with information about the process and the proposals of the Case Conference. Only information agreed by the Case Conference as suitable for disclosure will be shared with the individual.

The individual will be invited to a Service Confidence meeting.

The individual will be invited to make representations to the ACC at the meeting orally or in writing.

Wherever possible any written representations would be submitted to the ACC in advance of the meeting.

In accordance with normal practice, the individual has the right to be accompanied by a friend or a member of the Staff Associations. It is necessary that the friend is someone other than the staff association or Trade Union representative if they were present at the Case Conference stage. Minutes of the meeting will be taken and retained on the confidential file within PSD.

This meeting will address;

- The purpose of the meeting and the procedure to be followed.
- The decision of the case conference and the reason for the decision.
- The individual's right to make a written response to the ACC, **within 7 calendar days** of the meeting.

Wherever possible, the individual will be informed of the reasons for the recommended course of action and given sufficient details to enable them to respond. However, nothing will be disclosed which might:

- Impede the apprehension or prosecution of offenders,
- Frustrate any investigation, or the prevention and detection of crime,
- Damage national security,
- Breach any legislation,
- Compromise or endanger any operation or individual.

In such cases the individual will be told that action recommended is being effected on the basis of source sensitive information, for the operational needs of NWP and that further disclosure is not appropriate for the reasons outlined above.

4.9.6 Stage 4 - Review of Service Confidence Decision

After 7 days, the ACC will consider any response provided by the individual and will either confirm the recommendations of the meeting or direct another course of action. In making a decision the ACC will consider whether the recommended action is necessary, proportionate and non-discriminatory.

The ACC will ensure that the Service Confidence Procedure decision will be communicated to the staff member and that they will be provided with a written record of the decision taken, together with details of their right of appeal to the Deputy Chief Constable (DCC).

They will also be handed a written notification of any requirement to reveal details of the Service Confidence Procedure to the Crown Prosecution Service in accordance with Chapter 18 of the Disclosure Manual for ongoing and future cases.

A written record will be made of the decision and will form part of the confidential file within the PSD. The decision will then be implemented, but may be subject to change, on review.

4.9.7 Stage 5 – Appeal process

An individual can appeal a decision made in connection with the implementation of this procedure. An application to appeal must be made in writing to the Deputy Chief Constable ***within 14 calendar days*** of the individual being informed of the decision. The application should indicate the reasons and grounds for appeal.

The Deputy Chief Constable will review the decision ***within 21 calendar days***, taking into account the material contained within the review application. The review process will: -

- Test the integrity of the process.
- Assess the strength and quality of the information / intelligence on which the decision was based.
- Ensure that the decision is proportionate, necessary and non-discriminatory.

The decision by the Deputy Chief Constable to either uphold the initial decision or to direct another course of action will be communicated to the staff member in writing. The staff member will also be informed that this decision is final and there is no further right to appeal.

4.9.8 Monitoring

Role	Action Required
4.9.8.1 Divisional or Departmental Commander	• Responsible for any training, developmental or welfare issues resulting from the use of these procedures. • Ensure that the individual is subject to on-going monitoring in their division by a nominated supervisor and a development/action plan created if necessary. • Progress against the development plan will be reviewed every three months and any development needs should be addressed on Division. • Submit a report to PSD as part of the monitoring process. • Obtain details of any outstanding prosecutions for which the individual has provided a statement of evidence. • Review in conjunction with the Head or Deputy Head of PSD, in order to consider revelation to the Crown Prosecution Service in accordance with Force policy. • Notify the Head or Deputy Head of PSD, in writing if an action plan has been successfully completed or the risk no longer exists.
4.9.8.2 Head or Deputy Head of PSD	• Review in conjunction with the Divisional or Departmental Commander, in order to consider revelation to the Crown Prosecution Service in accordance with Force policy.

	• Present the case papers to the ACC who may consider the following or reconvene the case conference to consider the following: • Whether the risk of a reoccurrence of the circumstances has reduced sufficiently; • The potential risk to colleagues, the Force or the public if the procedure is terminated; • Alternative options.
4.9.8.3 ACC	• Consider the following or reconvene the case conference to consider the following: • Whether the risk of a reoccurrence of the circumstances has reduced sufficiently; • The potential risk to colleagues, the Force or the public if the procedure is terminated; • Alternative options.

If a decision is made to terminate the procedure, the case conference will review the individual's situation and agree the individual's post procedure deployment, based on:

- Any needs of the individual as a result of being absent from their normal place of duty or identified as a consequence of the procedure;
- Consideration of issues surrounding;
- Organisational needs;
- Individual's needs;
- Reducing risks to staff;
- Human Rights.

The Divisional / Departmental Commander will inform the individual in person and ensure the necessary procedures are in place to facilitate the agreed redeployment.

4.10 Sponsorship Procedure

Sponsorship can be used to implement or enhance activities of the Force and should support the aims, values and objectives of both NWP and the North Wales Police and Crime Commissioner (PCC).

Sponsorship is defined as

Any agreement to provide any section of NWP with money or goods to extend or enhance its normal service. This may include donations, but not donations given specifically for the provision of care and welfare of staff and their families.

This section seeks to;

- Provide a consistent and professional approach to managing sponsorship and offers of sponsorship within NWP.
- Set out the parameters in which sponsorship may be acquired, accepted and administered within the Force and the responsibilities of police officers and police staff.
- Provide the public of North Wales with a quality policing service that is based on values of honesty and integrity.

The [NPCC Guide to Income Generation for the Police Service in England, Wales and Northern Ireland \(2010\)](#) allows sponsorship (money, goods or services, or the loan of

goods or services) to be accepted if they enable a Force to either extend or enhance its normal service.

NWP has established levels of authority and financial control safeguarding the Force and regulating sponsorship use for improving performance and service.

To attract sponsorship, levels of authority as well as financial controls need to exist for accepting sponsorship to avoid suggestion of malpractice and to safeguard Force personnel involved.

NWP may seek sponsorship, although undue attention should not be given to this activity. Home Office advice within the Financial Management Code of Practice 2013 states;

“A PCC may decide to accept gifts of money, gifts or loans of other property if they will enable the police either to enhance or extend the service which they would normally be expected to provide. The terms on which gifts or loans are accepted may allow commercial sponsorship of some police force activities. Gifts, loans and sponsorship are particularly suitable for multi-agency work such as crime prevention, community relations work and victim support schemes. Gifts, loans and sponsorship can be accepted from any source which has genuine and well intentioned reasons for wishing to support specific projects.”

“The acceptance of sponsorship for non-core police activities is intended to extend and enhance the force’s service to the community.” (The [NPCC Guide to Income Generation for the Police Service in England, Wales and Northern Ireland, 2010](#))

[Section 93 of the Police Act 1996](#) states;

Acceptance of Gifts and Loans

- *“A police authority may, in connection with the discharge of any its functions, accept gifts of money, and fits or loans of other property, on such terms as appear to the authority to be appropriate.*
- *The terms on which gifts or loans are accepted under subsection (1) may include terms providing for the commercial sponsorship of any activity of the police authority or of the police force maintained by it.”*

The Force’s operational and statutory functions must not become dependent on sponsorship, nor must it compromise the Chief Constable's authority to deploy resources.

The total value of gifts, loans and sponsorship accepted should not exceed 1% of the total budget requirement in any one year. Due regard must be given to the gift, gratuities and hospitality section of this policy.

The Bribery Act 2010 contains two general offences covering the offering, promising or giving of a bribe (active bribery) and the requesting, agreeing to receive or accepting of a bribe (passive bribery). Due regard must be given to the Bribery Act 2010 at all times.

4.10.1 Acceptable Sponsors

Example of routes NWP may receive offers of sponsorship:

- personal sponsorship/philanthropic donation
- business association approach
- proactive activities by any nominated employee of NWP
- National offers through the Police Forum for Income Generation (PoFIG) or other national police-related organisations.

Acceptable Sponsors	Unacceptable Sponsors
• A registered or limited company, partnership or sole trader • A public body • A registered charity • Any individual who is representing and acting on behalf of the above	Organisations involved in trades under the scrutiny or licensing of the Police (e.g. tobacco, alcohol, gambling etc.).

4.10.2 Pursuance of Sponsorship

Actively seeking or accepting a sponsorship deal for direct personal benefit or for any specific individual is **prohibited**.

Sponsorship will **not** be accepted where it offends the integrity, reputation or propriety of the Force. The integrity of the Force and the individual must always be maintained. It is important that the objectives and priorities of each initiative should be strictly controlled via review at the People and Resources Committee by the Director of Finance and Resources.

Sponsors usually seek to maximise the benefits obtained from association with the Force. Great care must be exercised to ensure that a correct balance is maintained between the legitimate business aims of the sponsor and the interests of the Force.

4.10.3 Authority to Accept Sponsorship

Role	Action Required
4.10.3.1 Any staff member of NWP receiving an offer of sponsorship or donation	• Notify your Head of Department if you receive an offer of sponsorship or donation. • Complete a Sponsorship Application to detail the offer. • Seek authorisation (regardless of the sponsorship value) by sending to the Head of Department.
4.10.3.2 Head of Department	• Review the sponsorship application and authorise sponsorship, if appropriate. • Forward the application to the People and Resources Committee for final ratification prior to acceptance.
4.10.3.3 Director of Finance and Resources	• Notify the relevant Head of Department of the outcome of the decision i.e. accepted/refused. • In the event that the sponsorship value is in excess of £20,000, refer the request on behalf of the People and Resources Committee to the PCC as per the Financial Regulations.
4.10.3.4 People & Resources Committee	• Document the decision from the committee within the Sponsorship Application form. • If the sponsorship value is in excess of £20,000, refer to the PCC as per the Financial Regulations.

4.10.4 Sponsorship Agreement

Once the authority to accept sponsorship has been received by the People and Resources Committee, the Sponsorship Agreements are signed by either a representative of the Chief Constable (for values up to £19,999.99) or a representative of the PCC (for values

over £20,000). The signed copies should be returned to the sponsor and Force Chief Accountant for retention.

Role	Action Required
4.10.4.1 DFR	• Draw up a Sponsorship Agreement (regardless of value) between the sponsor and NWP on an agreed standard template. • Deliver Sponsorship Agreement to the sponsor to obtain suitable approval (or delegate this task if appropriate).
4.10.4.2 Representative of the Chief Constable	• Sign the Agreement with the Sponsor (for values up to £19,999.99) and send to the Head of Finance – Assistant Director.
4.10.4.3 Representative of the PCC	• Sign the Agreement with the Sponsor (for values over £20,000) and send to the Head of Finance – Assistant Director. •
• 4.10.4.4 Head of Finance – Assistant Director.	• Retain copies of the signed Agreement.

The function of the Agreement is to;

- Establish a formal sponsorship contract between the sponsor and the Force.
- Create a clear and transparent process for the consideration of sponsorship.

Any specific sponsor requirements on the use of funds, goods and services received through sponsorship or donation must be either complied with or the funds, goods or services returned.

In the event the Director of Finance and Resources holds sponsorship or donated funds in a ring-fenced Grant Account, any sponsorship or donation will be monitored for appropriate expenditure.

Any competition or prize draw conducted by a sponsor at a NWP event must be at the discretion of the Director of Finance and Resources, and/or the People and Resources Committee.

Any NWP staff member selected as a winner at such an event must declare their prize as per the Gifts, Gratuities and Hospitality section of this policy.

All sponsorship or donations will be reviewed and verified by the People and Resources Committee, in accordance with this policy.

4.10.6 Charitable Donation of Sponsorship

In exceptional situations, it may be financially beneficial to route sponsorship or donations to an appropriate charity, see section 4.7 Donations to Police Charities.

4.10.7 Termination of Sponsorship

Existing sponsorship arrangement will be terminated if the individual, business or organisation has been convicted of any offence of dishonesty or any serious criminal behaviour. This is included in the written agreement. Reasons for the termination will be recorded by the People and Resources Committee by the Director of Finance and Resources.

4.10.8 Returning Sponsorship Funds

If a sponsorship initiative is terminated due to dishonesty, notify Legal Services to decide whether to reimburse the value of the sponsorship initiative to the sponsor.

4.10.9 Use of Funds

A sponsorship initiative originating from an area or department falls under the responsibility of the relevant area or department receiving it. Goods or services to be purchased or used from such an initiative must be ordered or obtained using local arrangements set by the relevant area or department.

Force-wide sponsorship initiatives not originating from an area or department fall under the responsibility of the People and Resources Committee and Director of Finance and Resources.

Goods or services to be purchased or used from such an initiative must be authorised by People and Resources Committee and the Director of Finance and Resources.

4.10.10 Receiving Monetary Sponsorship

Payment arrangements should be made via the NWP Finance Department. **Under no circumstances should cash be received by any member of police officer or staff on or behalf of the NWP.**

4.11 Lawful Business Monitoring

Our employees and the public, are entitled to expect that North Wales Police ICT systems are secure, and their use is lawful, legitimate and in line with force policy and guidance.

Police Information systems contain highly sensitive data. Misuse of such systems will often involve breaching the privacy rights of members of the public and poses a significant risk to the integrity of the police service. The standards of behaviour and the integrity and impartiality of those who work within the police service are constantly under scrutiny.

Where North Wales Police employees abuse their position and view information, confidential or otherwise, without a 'policing purpose' this serves not only to undermine the trust of the public but it is also a breach of the Data Protection Act 2018, the Computer Misuse Act 1990 and The Standards of Professional behaviour. North Wales Police remain committed to ensuring that our information is protected from both unintentional, and intentional misuse in order to maintain and build public confidence in the police service.

The Human Rights Act 1988 outlines what is considered a Public Authority. By virtue of the explanation, North Wales Police is a Public Authority. This means that an individual, or organisation, may take action under the Human Rights Act, against a Public Authority, if that authority has breached the Human Rights of the individual or organisation.

The Investigatory Powers Act 2016 (IPA) establishes a basic principle that communications may not be intercepted without consent and ensures compliance with ECHR and fundamental freedoms. However The Investigatory Powers Regulations 2018 (Interception by Businesses etc for Monitoring and record keeping purposes) point 3 Paragraph 2, made an exception to IPA and allows businesses, including public

authorities, to monitor electronic systems and communications without consent in order to ensure that ethical standards are upheld in the use of the systems– for example, telephone calls, emails, and internet access – transmitted on their systems for certain purposes.

North Wales Police retains an absolute right of access to all information held or processed on any of its ICT systems without notice and this includes both historical data as well as live interception, both can extend to off duty use of Force communications systems.

Lawful Business Monitoring, as a result of intelligence, or as part of a criminal investigation is the responsibility of the Anti-Corruption Unit. North Wales Police Anti-corruption Unit is authorised to carry out the appropriate auditing on ALL North Wales Police employees on All system and device use. The monitoring will not be speculative or random and any activity will be accountable, legal, necessary and proportionate and will follow the same principles and considerations as the Investigatory Powers Act. No specific authorisation is required to conduct routine auditing or monitoring but an impact assessment will be completed which will outline the clear purpose, benefits of completing, identify any likely adverse impact, consider alternatives and assess if the auditing or monitoring is justified.

Any considerations or authorities to utilise Lawful Business Monitoring will be recorded, and any data collected will be considered as personal information, will be properly stored and protected in line with UK GDPR, the Data Protection Act 2018, and MOPI. In addition to this, any requests for data collected for any criminal or misconduct cases will be subjected to a subject access request which can be made by parties involved.

It is accepted that, as with any investigative technique, there may be collateral intrusion through Lawful Business Monitoring. This may include the discovery of sensitive data, personal information and other material that was not sought as part of the authorised activity. In these circumstances the principle set out in The Employment Practices Code shall be followed, which is to: “disregard and where feasible delete other information collected in the course of monitoring unless it reveals information that no employer could reasonably be expected to ignore”. However, if the material is gathered in response to a criminal investigation then it will be retained securely within PSD. This is in line with the disclosure guidelines published by the Crown Prosecution Service and embodied within the Criminal Procedure and Investigations Act 1996 as amended by the Criminal Justice Act 2003 and the revised Code of Practice issued under it.

GDPR does not dictate how long data in relation to employees can be kept and therefore retention periods in relation to lawful business monitoring will be held as long as deemed proportionate and necessary. – The UK GDPR does not stipulate retention but MoPI does (albeit not LBM), intel is a min of 6 years and system and internal security audits are 6 years.

4.12 Executive Authority Procedure

The Executive Authority procedure sets out the circumstances and processes under which non-regulated surveillance (outside of law enforcement legislation) may be authorised and conducted. It is designed to provide tactical surveillance options helping to challenge an individual who provides misleading, incorrect or inaccurate information to support their current position (e.g. about their absenteeism or medical status).

This procedure relates to planned surveillance activity and does not preclude line managers from acting reasonably or spontaneously in order to manage staff effectively.

Surveillance conducted for medical integrity will only be used as a legitimate investigative tool. For example, where an appropriate level of intelligence received may identify an individual's actions of absence or sick leave as a breach of trust with the Force.

The use of surveillance must be proportionate, necessary and authorised and must be the least intrusive means of securing the evidence required. It must not be used where the evidence can be obtained through less intrusive means or through a statutory authority.

Appropriate professional advice/guidance will be sought to ensure a transparent and non-discriminatory application procedure, to ensure fairness and obligations under the Equality Act 2010. The Harm Test will be applied to ensure that confidentiality is balanced against the necessity to use the information for any subsequent proceedings.

4.11.1 Criteria for Executive Authority procedure

This procedure may be used in circumstances where it is believed:

- **Misconduct or Gross Misconduct by an officer or member of staff.** This will **not** be used where the conduct has been assessed as and is subject to a criminal investigation. Information / evidence obtained during Executive Authority based surveillance **cannot** be used evidentially in any criminal proceedings.
- Sufficient intelligence indicates reasonable grounds to suspect an absent employee (either on long term sickness or taking self-certified occasional days) is well enough to attend work or is engaged in activities outside of work which are detrimental to their health / recovery and therefore potentially delaying an early return to work.
- There are reasonable grounds to suspect an individual is presenting incorrect information regarding a claim for ill health retirement.
- Claiming any benefits or entitlements under statutory or contractual conditions of employment, Police Regulations or policies of the North Wales Police; and there is documented and graded intelligence which questions the validity and integrity of such claims.
- Ceasing or decreasing of such benefits or entitlements or the avoidance of any processes by which NWP or its Police and Crime Commissioner is entitled to assess or reassess such benefits or entitlements.
- Seeking financial compensation from the Police Fund or the Commissioner's insurers in circumstances where there are reasonable grounds to suspect that such claims or the circumstances material to such claims may not be as represented.
- Reasonable grounds to suspect that an individual is feigning or exaggerating an injury for the purpose of receiving unnecessary reasonable adjustments in the workplace or a financial incentive.
- Reasonable grounds to suspect that an individual has provided false details or inaccurate information to obtain time off work.

This procedure supports the current Attendance Management policy to ensure it remains effective. There is **NO** intention to deny sick leave or absenteeism to those genuinely ill or requiring absences. However, a small minority of individuals may take action amounting to a breach of trust in their sickness/absence. *In these circumstances surveillance is an appropriate evidence gathering procedure which will be considered alongside all other reasonable courses of management action to achieve an acceptable resolution.*

4.11.2 The Executive Authority Procedure

Role	Action Required
4.11.2.1 ACU	- Record and retain all decisions, including rationale, in line with RIPA and CPIA. - Consider fully the proportionality, necessity and any collateral intrusion. - Consult with OHU to establish whether the alleged activity is compatible with the nature of the illness or injury prior to any surveillance being authorised. - Keep clear, detailed, auditable records throughout the process and record on the Force's 'Unregulated Surveillance' forms. <u>Never</u> consider oral authority as part of this procedure.
4.11.2.2 Authorising Officer (Det Supt, Director of Intelligence)	Authorise, review and scrutinise the process: - Authorise applications for surveillance, assessed as non-criminal. - Assess the evidence obtained during the surveillance activity to determine that it remains proportionate and necessary to continue or extend an authorisation. - Monitor and ensure the effective operation of this procedure on an individual case basis. <u>Never</u> consider oral authority as part of this procedure.
4.11.2.3 Head or Deputy Head of PSD/ACU	Manage the process: - Ensure on-going management of the investigation. - Liaise closely with the Authorising Officer and Chief Officers to ensure an ethical, proportionate process and review. <u>Never</u> consider oral authority as part of this procedure.
4.11.2.4 OHU	Advise whether the alleged activity is compatible with the nature of the illness, injury or disability prior to any surveillance. The information will only be shared when appropriate to do so.

4.13 Private Use of Online Social Networking (OSN) and Media Procedure

The Force Policy on Online Social Networking (OSN) provides clear guidance on workplace use of OSN for communication with the public and investigative purposes. This section of the procedure is provided to give clear guidance on officers and staff private use of OSN and Social Media to minimise the risk to personal and organisational safety and security.

Officers and staff are subject to the [Standards of Professional Behaviour](#) even when off duty and should not behave in a manner that discredits the police service or undermines public confidence. In determining whether a police officer or staff member's off-duty conduct discredits the police, the test is not whether they discredit themselves, but the police as a whole. Therefore, in considering whether behaviour falls below these standards while off-duty, due regard should be given to that balance and any action should be proportionate taking into account all of the circumstances.

Particular care must be taken when considering the private online behaviour of a police officer / staff member. Consideration of off-duty online activity should take into account

the individual's right to privacy and to free speech. However, the ultimate test is whether that online activity, notwithstanding that it is done in a private capacity, breaches the [Standards of Professional Behaviour](#) and brings discredit to the police as a whole. All forms of disciplinary action and formal outcomes for misconduct are available in response to off-duty conduct.

It is important to recognise that any content or messages that are shared with colleagues via social media, email, text message or encrypted messaging services, even in an off-duty or private capacity, are nevertheless shared with workplace colleagues. Due care should, therefore, be taken as any material is potentially reportable. Where shared with other officers or staff, whether an individual is actually off-duty at the time that such a message is sent may not be relevant – individuals should apply the test as to whether the comments, content or material would be considered appropriate in the workplace and in line with the [Code of Ethics](#) and [Standards of Professional Behaviour](#) before sending or sharing any material in this way.

Guidelines for the use of personal and private OCN and Social Media, whatever the platform can be found on the at [ACU Intranet page](#) and are intended to support good decisions and responsible, effective and safe use of the Internet, OCN and Social Media.

4.14 Searching in Police Premises / Police Property

4.14.1 Searching Contents of Personal Lockers, Lockers, Desks, Drawers, Cupboards, other Storage Facilities and Police Vehicles provided by North Wales Police/OPCC/PFI

North Wales Police / OPCC / PFI provide personal lockers, desks, drawers, cupboards, vehicles and other storage facilities (this caters for sheds, outbuildings and units as used by Alliance and caretakers) for the convenience of officers and staff members to store articles on behalf of North Wales Police.

Such facilities are provided for the storage of an individual's uniform, accoutrements and other items such as personal clothing whilst the individual is engaged on police duty. Storage is also intended to be used to store police property and uniform for off duty periods too. They are not provided for storage of other personal items, either in the longer term or for periods where the individual is off duty.

Storage as outlined above will not be subject of routine searches by line managers or other parties, but North Wales Police reserve the right to enter and search such areas where circumstances deem such action to be reasonable and proportionate. Any such search will require authority as set out below and as such there should be no expectation of privacy within storage facilities.

Private belongings contained within such storage facilities (including bags, briefcases, document wallets, etc.) will not normally be subject of a search unless

- (a) Authority exists under the Police and Criminal Evidence Act, or
- (b) The officer, police staff member consents in writing, or
- (c) The Authorising Officer (Appropriate Authority) considers interference with the individual's rights under Article 8 ECHR as necessary, proportionate and justifiable.

4.14.2 Conditions Attached to Searching

The Chief Constable reserves the right at any time to search Police Premises and Police Property, including lockers, desks, drawers, cupboards, police vehicles and other storage facilities, subject to the following conditions;

- (a) In the absence of authority under the Police and Criminal Evidence Act, authorisation to search is provided by the Appropriate Authority; where it is believed there is a necessity to search.
- (b) The search will not be speculative and should relate to a specific criminal or misconduct matter.
- (c) Wherever possible individuals concerned will be given prior notification of the search and should be given the opportunity to be present during the search. There should also be an independent third-party present to observe the process (police friend / work colleague). In the first instance, a supervisor, line manager or a member of the investigation team should contact the individual concerned and explain the reasons for the search, unless such action might compromise an investigation.
- (d) If the individual is unable to be present or is to be excluded, then a member of the relevant Staff Association/ Trade Union should be invited to be present unless the delay in doing so would impact upon the reason for the search or there is any other justifiable reason. In which case the relevant Staff Association /Trade Union will be advised as soon as practicable and another supervisor not connected with the case should act as the independent observer. The reason should be recorded prior to the search commencing and included on any BWV commentary for the search.
- (e) In cases of urgency (e.g. to preserve evidence in connection with possible criminal or disciplinary offences) and an officer of Inspector rank or higher may search without giving notice as set out in (a); subject to there being an independent party present at the time the searches are conducted.
- (f) Where a search is performed, the reason for the search should be documented and any property seized recorded. A copy of the record of search should be signed by all present and supplied to the officer/police staff member when appropriate. BWV should be utilised to record the search.
- (g) If a search is carried out without the individual being given prior notification, they will be informed as soon as reasonably practicable and provided with a copy of the search record detailing any incriminating or unauthorised property recovered.

5. DECLARATION & LEGALITIES

- 5.1 In line with all Force policies, the overarching purpose of this document is to directly support the PCC police and crime plan objectives. Overall the intention of this policy is to provide a safer North Wales.
- 5.2 In the writing of this policy cognisance has been taken of the college of policing [Code of Ethics](#) (2014 and 2024).
- 5.3 North Wales Police policies will be written in accordance with the approved corporate format and published on the Force Intranet, allowing access to staff and public, where appropriate, on the pages of the public facing Internet site under the Force publication scheme and Freedom of Information Act 2000.

- 5.4 The following main legal requirements have been identified within this policy:
- Equality Act 2010
 - Human Rights Act 1998
 - The Welsh Language (Wales) Measure 2011 and the Welsh Language Standards for the Chief Constable
 - Data Protection Act 2018
 - Freedom of Information Act 2000
 - Health and Safety at Work Act 1974
 - Police Regulations 2003 19 and 19A
 - Police Staff Council Joint Circular
 - Police staff contracts of employment.
 - Criminal Justice Act 1993
 - Police Regulations 2003
 - The Bribery Act 2010
 - The Police Codes of Ethics
 - Section 6 Police Act 1996 (Efficient and Effective Police Force)
 - Information Commissioners Office (Employment Practices Code)
 - McGowan v Scottish Water (2005)
 - Mainwaring v Corus UK Ltd (2007)
 - Browning v Sita UK Ltd (2010)
 - Gayle v City and County of Swansea (2013)
- 5.5 This policy has been written giving due regard to the above legislation and has considered the risk of unfair and/or disproportionate impacts on individuals or groups (actual or perceived) and has done so via an equality impact assessment (EIA).
- 5.6 New legislative requirements or changes in Force structure may necessitate a review of this policy document.

APPENDIX A – Confidential Reporting Procedure – Frequently Asked Questions

The Confidential Reporting procedure has been designed to help you easily identify when and what information you need to report to the Professional Standards Department (PSD) or Anti-Corruption Unit (ACU). The following FAQ's and ethical scenarios have been compiled to help support your understanding of the policy. This is not an exhaustive or definitive list of scenarios.

Q: *I have some concerns about a colleague on my rota who disappears for long periods of time without contact. I suspect from general chat I have heard that he is having an affair whilst on duty but I don't know for certain. Should I report this confidentially?*

A: **Yes.** An aim of this procedure is to disclose any “dishonesty or malpractice”. The [Code of Ethics](#) and Standard 10 of the [Standards of Professional Behaviour](#) also place a positive obligation on you to report.

Q: *But I don't know for certain, I just suspect from everything I am putting together. Do I still report it?*

A: **Yes.** The policy is clear that if you suspect or believe the information to be true you should report it. It is the job of Professional Standards Department or Anti-Corruption Unit to assess and investigate this further if appropriate. The expectation on you is to report it. Remember, under no circumstances should you conduct research of force systems in order to substantiate or rebut your concerns or suspicions. Inappropriate use of Force systems may constitute a disciplinary or criminal offence.

Q: *Will I be in trouble if this is investigated and it's not proven?*

A: **No.** You suspected it to be the case with some foundation. Like any other area of police work, information and intelligence does not always prove to be right or necessarily result in any action.

Q: *If PSD/ACU have to speak to my colleague, will you tell him where the information came from?*

A: **No.** The confidential reporting policy is designed to be just that - confidential. If this became a criminal matter then PSD/ACU would treat disclosure under the law in the normal way and would consult with you over any possible implications at that stage.

Q: *I want to use the Police Integrity Line facility to report a matter anonymously but I am concerned that I could be identified. Is it REALLY anonymous and secure?*

A: **Yes.** There is no way that your identity can be discovered unless you consent to providing it. It's an independent facility that deals with the information. You are provided with the option of being able to get in touch again or seek an update should you wish to do so. So it truly IS anonymous should you not wish to personally engage or interact with PSD or the ACU.

APPENDIX B – Notifiable Association Procedure – Frequently Asked Questions

The Notifiable Association procedure has been designed to help you easily identify circumstances where a relationship exists that you need to report to the Anti-Corruption Unit (ACU). The following FAQ's and ethical scenarios have been compiled to help support your understanding of the policy. This is not an exhaustive or definitive list of scenarios.

Remember, two important points:

****If in doubt, always ring the ACU for advice****

*****It is your responsibility to report associations that are notifiable under the policy. Failure to do so may result in disciplinary procedures.***

Q: *How do I know whether someone has convictions / criminal sanctions / criminally active intelligence recorded against them?*

A: The policy puts a responsibility on you to notify if you **know, consider or suspect** that to be the case. It may be that you have discovered this inadvertently as a result of carrying out your professional duties, been told about it by someone else or are concerned about a person because of other factors. ***Under no circumstances should you use force systems to try and confirm or negate that suspicion. Neither should you ask someone else to do this on your behalf.*** Once notification has been made, the Anti-Corruption Unit will research that.

Groups / Teams:

Q: *I play football for a local team. I think there are a couple of players who have been in trouble with the police in the past. Is this a notifiable association?*

A: **No.** Unless you have a friendship that amounts to a relationship with those players, then this isn't a notifiable association

Q: *But the team gets together for a drink after the match has finished now and again, nothing more. Is this a notifiable association?*

A: **No.** There is still no friendship that amounts to a relationship or meaningful connection. The policy is clear that not every contact like this needs to be notified. *(Policy exemption: Being part of a group or team environment where no other personal or social relationship exists with the person outside of the aims of the group or team (e.g. sports team, hobby group etc))*

Q: *One of these players who I think has got criminal convictions, has a spare ticket to a Premier League match this Saturday and has invited me to go. I am going to take him up on the offer. Is this a notifiable association?*

A: **Yes.** Your contact with this person has now moved from casual acquaintance to what is more of a friendship / relationship / connection. You must report this. Remember a primary aim of the policy is to prevent staff from being in a position where they could be professionally compromised. Reporting this doesn't mean that you will not be allowed to associate with that person, but the Professional Standards Department need to know about this to assess the risk to you and the organisation. *(Policy: It is important to understand that there is a continuing obligation on you to inform the Anti-Corruption Unit of any changes that may affect the determination made on your notified association.)*

Q: *I am a member of a motorcycle club that meets at the weekends and rides across the country. It's a club that is open to all like-minded biker enthusiasts. I know most of the members by name and as casual acquaintances. Is this a notifiable association?*

A: **No.** The policy is clear that this is not an association or contact that needs to be notified. *(Policy exemption: Being part of a group or team environment where no other personal or social relationship exists with the person outside of the aims of the group or team (e.g. sports team, hobby group etc)).*

Casual Acquaintance

Q: *I shop every week in the same local supermarket. Last week I was served by someone who I was in school with many years ago. We had a brief conversation about school days and people who we had both known and what they were doing now. I know this person has been featured in a recent intelligence bulletin as suspected to be involved in the supply of drugs. Is this a notifiable association?*

A: **No.** There is no friendship / relationship. The policy is specific that this contact doesn't need notification. *(Policy exemption: A chance meeting with a passing acquaintance even if it's repeated from time to time)*

Q: *I have tried to avoid this person's till but it's not always possible. I have been served by them about 10 times in the last 6 months and we always end up talking about the old school days. They know I work for the police. Is this now a notifiable association?*

A: **No.** there's still no friendship or relationship. This is nothing more than courteous conversation.

Q: *The last time I was served, this person joked "it's handy to know you're a cop in case I get a speeding ticket?" I quickly brushed this off and left. Is this now a notifiable association?*

A: **No.** this does not change the circumstances and no relationship exists where you could be compromised. However, you may wish to report this to the Anti-Corruption Unit as 'intelligence'. It may be in your best interests to avoid this person's till altogether when you shop there.

Q. I attend a gym which is owned by a reputable company, some criminals frequent the gym. I know some of them sufficiently to acknowledge their presence and no more. Is this a notifiable association?

A: **No.** This is not an association. *(Policy exemption; Someone who the staff member knows casually or on 'nodding terms')*. You cannot account for those who may frequent any reputable establishment. Providing you do not enter into an association then it is extremely unlikely that there is any potential for compromise.

Family Connections

Family links often cause the most difficult dilemmas to staff when trying to determine what they should notify. Family relationships can be complex and wide ranging and it is acknowledged that staff can sometimes find themselves with conflicted loyalties between family bonds and their professional position.

The important factor to always consider is the **relationship** you have with the family member who may be subject to notification to ACU. A fundamental question to consider is whether you are merely **related** to the family member or whether you have a **relationship/ qualitative or meaningful connection** with them.

The policy aims to prevent you and North Wales Police from being at risk of being professionally compromised. That risk is potentially greater where a closer relationship exists.

Q: My uncle lives near to me. We do a lot of social stuff together. He's the godfather of our children and looks after them regularly. I know from the stories he tells that he got into trouble with the police many years ago when he was a teenager but I don't know what for. He runs his own successful building firm now. Is this a notifiable association?

A: **No.** Let's look at what the policy says. Firstly is this an association? The answer is "yes" – you describe a close **relationship** with this family member. Secondly, is this something which meets the mandatory referral criteria in the policy? The answer is "no". You suspect that his bad character was from many years ago. There is no suggestion he is 'criminally active' and the convictions are most likely spent. So this is not a notifiable association. Bear in mind that the issue of his past indiscretions as a youngster may have been identified when you were vetted as well – another layer of risk management. If in doubt, however, we always encourage you to contact the ACU.

Q: My partner has just been charged with a drink driving offence and is due to appear in court. Is this a notifiable association?

A: **No.** Whilst you do have a relationship which constitutes an association under the policy, drink driving is one of the exemptions that does not need to be notified.

Q: I have just found out that my partner didn't disclose to me that when his car was stopped and he was arrested for drink driving, the police found cannabis in the vehicle and he has received a caution for that. Is this a notifiable association?

A: **Yes.** You still have an association (relationship) and the situation has changed. The policy states you must notify *“Persons charged with a criminal offence (other than minor road traffic matters or drink / driving offences) and the subject of a current criminal prosecution.”*

Q: *I understand from family conversations that my cousin, who lives out of the force area is involved in the drug scene. I have nothing to do with her or that side of the family. I’ve only ever met her twice at extended family functions and literally just to say hello. Is this a notifiable association?*

A: **No.** The cousin is a **family member** but there is no qualitative relationship or friendship that exists. She is a distant relative with no meaningful connection that may be at risk of compromising your professional position.

Q: *At the last family party, I got talking to my cousin a little more. It turns out that she isn’t that bad and has made some wrong choices in her life but her immediate family have pushed her out because of it. Since then we chat on social media some days. Is this a notifiable association?*

A: **Yes.** She is a family member who was distant but now a friendship has developed. Her recent criminal history means that the association now fits the criteria for something which you need to notify to the Professional Standards Department. *(Policy states; persons with unspent convictions & Persons subject of criminal intelligence must be notified)*. This also demonstrates the requirement under the policy for you to notify any changes to the Professional Standards Department.

General Questions

Q: *As part of my community policing role I have developed a number of contacts in the local media which I liaise with regularly to promote the community engagement work I do with partners. Is this a notifiable association?*

A: **No.** The connection / relationship is purely professional as part of your policing role. The media have an important part in supporting community policing aims.

Q: *My brother-in-law is a journalist with a national newspaper. He has a close relationship with his sister, (my wife) and we have a lot of family contact with him. Is this a notifiable association?*

A: **Yes.** This is an association under the policy. This meets the mandatory criteria for referral *(Policy: Journalists or other persons employed in a media role, outside of the engagement required as part of their professional policing capacity)*.

Q: *Does this mean that you are inferring that my brother-in-law is engaged in corrupt practice?*

A: **No.** The inclusion of journalists in the referral criteria is as a result of the Lord Leveson judicial public enquiry. The manipulation of **personal relationships** by some members of the media was shown to be a potential corruption risk. The force needs to be aware of personal associations with journalists / members of the media to assess whether there is any risk management required.

Q: *A retired NWP colleague of mine who I know well has told me he has started work for a local investigation agency part time. Is this a notifiable association?*

A: **Yes.** A connection / relationship exists. A private investigator is one of the criteria in the policy that requires mandatory notification. *(Policy: Former police officers or other law enforcement officers who are working in a related field of employment. For example, private investigators)*.

Again, this is not inferring that the person is corrupt, but the potential to use relationships with former colleagues to obtain information is an identified risk.

Q: A NWP colleague of mine who I am friends with has now been dismissed from the organisation for gross misconduct. Is this a notifiable association?

A: **Yes.** A connection / relationship exists and this is always a relationship that **must** be notified, **without exception.**

Q: PSD have authorised my business interest which buys, develops and sells property. I use a local builder as my 'general manager' on all of the projects. I know he has several criminal convictions in the past but he is a reliable and professional asset. Is this a notifiable association?

A: **Yes.** The association here is more than just tendering out for a company to carry out work. Policy specifies that this must be notified. You cannot be expected to 'vet' every person sub-contracted to carry out work for you / suppliers etc and notify those who fall into the appropriate category. That is not the intention of the policy. However, where you have an association which is more of a relationship / connection in an external business, then it is important that the force is able to assess any risk that this may bring to the organisation.

Q: What if I do not have concerns about someone and it transpires they have intelligence or convictions / criminal sanctions / criminal active intelligence recorded against them.

A: Unless it can be shown that you did know, or turned a 'blind eye' to something which should have concerned you, then there will be no problem for you. A common-sense approach will be adopted.

APPENDIX C – Business Interest and Secondary Employment – Submission and Approval Criteria for Applicants and Managers

1. Having a high regard for Health and Safety should be paramount in considering the actual activity to the business interest. Any application, which involves a significant risk of injury, ill health or the ability to perform to a satisfactory standard during Police duties, should be refused.
2. Any application, which involves a risk of injury however slight, must be risk assessed. Where there exists a legal requirement to provide a 'risk assessment' this will be provided by the applicant.
3. If the prospective working environment has been risk assessed by the potential employer then providing that risk assessment is satisfactory, the applicant can submit a copy of this assessment as part of their application.
4. The personal health and ability of each applicant to regularly come to work for North Wales Police should be monitored. Risks that may arise in allowing a member to conduct a business interest include a member suffering from tiredness or having as much or indeed more thought/ focus on the ancillary job which could lead to undue stress and anxiety. Taking any such risk should be far outweighed by the organisational priority to minimise absence from work and ensure delivery of a premium policing service.
5. Staff with poor records of overall work attendance should not be granted approval to conduct business interests. A person's absence record (excluding any qualifying disability / maternity related absences) should always be carefully assessed using the Force managing absence policy. HR SSF should provide line managers on request with any records of absence in order to facilitate any assessment and these should be referred to in the line manager's endorsement. In addition, the sickness history of each applicant will be considered *vis-à-vis* the nature of the intended business to determine whether they are compatible. A refusal of a business interest on the grounds of sickness can be subject to appeal against the decision.

6. A prescribed number of hours in a pre-determined period of time should be set for the pursuance of any approved business interest. This can be applied on the basis of each applicant being considered on its merits or by imposing a limit per month – irrespective of the nature of the business.
7. To add greater importance to issues surrounding health and to minimise any potential shortfall in absence to duty, a further condition of working a maximum of 4 hours in any 24 hours should be applied. The organisation will consider the utilisation of 'Opt Out' (Working Time Regulations) notices by applicants to ensure that both the individual and the employer are able to accommodate exigencies of service demands on the individual. If the member works part-time their working time inclusive of their business interest and duty time must not exceed 12 hours per day.
8. Staff conducting their business interest during leave or time off should be mindful of the working time directive regarding hours worked.

Following approval of a business interest the police officer or staff member concerned must submit a report through their respective line managers no later than every seventeen weeks which outlines the **total** number of hours and dates they have worked on their business interest(s) so that it can be included in their PDR appraisal. This information will therefore include hours worked on their business interest during periods of annual leave, rest days and, of course, when they have also been working a tour of duty for NWP. This information will be expected to be provided if the business interest is to be renewed after 12 months. Failure to comply with recording hours / dates will result in the business interest renewal being rejected.

9. The line manager must then take cognisance of whether the Working Time Regulations are being exceeded and if so, consult with the relevant HRTSO.
10. Where it is identified that an officer is exceeding the Working Time Regulations then the line manager must hold a meeting with the officer or staff member in person, with their HRTSO, to take steps to ensure the member complies with the policy i.e. works within the time limits. This meeting should be documented in the officer or staff member's PDR with a detailed plan about how Working Time Regulations can be adhered to and regularly monitored.
11. If it is apparent to any line manager or HRTSO that the member cannot or will not comply with the Business Interests terms and conditions and/or policy, then this must be brought to the attention of the Head or Deputy Head of the Professional Standards Department for consideration for continued approval or refusal of their interest.
12. Outside business interests requiring the member to work long hours, hours that would regularly breach working time regulations will NOT be approved, where the Working Time Directive applies.
13. The ongoing work performance of those with business interests should be subject to ongoing monitoring. This can be achieved with reference to both Continuous Professional Development records and professional assessment by the Head or Deputy Head of the of Professional Standards. Applicants who are failing to achieve a satisfactory level of performance in their police duty and should be refused on the grounds that granting, or continuing, a business interest authorisation is more likely to stifle any required improvement in performance rather than contribute to it.

14. Business interests which are effectively an extension of the applicant's police duty should be refused. This principle should also apply to business interests that are capable of being undertaken only as a result of training and skills provided by North Wales Police.
15. Each approved business interest will be subject of an annual review where an assessment of continued suitability will be made. This will consider line management and departmental heads observations, along with any issues with working time directives. If no hours have been recorded in respect of the business interest then the Head or Deputy Head of Professional Standards reserve the right to reject the application to renew the business interest. Where an existing business interest is refused during the review a 'reasonable' exit strategy will be negotiated with the member in addition to the member being able to explore an appeal.
16. The Head or Deputy Head of Professional Standards will complete annual reviews. The review will be documented and copied to the holder's personal file.
17. The onus to comply with all HMRC tax obligations rests with the member as does a duty to report any significant change to the nature of the approved business interest in between annual reviews.
18. The force expects that a person who undertakes secondary employment is insured in relation thereto.

APPENDIX D – NOTICE TO STAFF (Non-Service Confidence Procedure)

THE USE OF INTEGRITY INTERVIEWS:

On occasions the Anti-Corruption Unit (ACU) will receive intelligence that cannot be corroborated or comes from an anonymous source. If background checks reveal no concerns, then often it is appropriate to simply speak with the individual who is subject of the intelligence. This ensures the individual is aware of the intelligence and gives them an opportunity to explain or clarify issues/concerns that have been identified.

The use of an Integrity Interview is considered appropriate, for the prevention of crime and disorder, the maintenance of public safety and the protection of the rights and freedoms of all concerned, where;

- It is deemed necessary to address unresolved allegations or intelligence that cannot be verified but raises issues and or concerns sufficient to warrant a discussion with the individual.
- This procedure is a duty conferred by the Police Reform and Social Responsibility Act 2011 and the Police Reform Act 2002.

THE KEY OBJECTIVES OF AN INTEGRITY INTERVIEW ARE:

- To seek an account or explanation through informal means in response to the information provided to the individual.
- To seek to identify any personal or professional vulnerabilities in an attempt to reduce risks to the integrity of both the individual and the organisation.

- To seek a resolution that considers the needs of both the individual and the organisation.
- To maintain and enhance public confidence in the service.
- Whilst the use of the Service Confidence Procedure is not under consideration at this stage, this could be subject to change dependent on any unexpected disclosure during the integrity interview.
- It is strongly recommended that the police officer or staff member familiarises themselves with Section 4.9 of the Counter Corruption Policy prior to any integrity interview.

If you need further information please seek advice from your respective Staff Association or Union Representative.

APPENDIX E – NOTICE TO STAFF (Service Confidence Procedure)

THE USE OF INTEGRITY INTERVIEWS:

On occasions the Anti-Corruption Unit (ACU) will receive intelligence that cannot be corroborated or comes from an anonymous source. If background checks reveal no concerns, then often it is appropriate to simply speak with the individual who is subject of the intelligence. This ensures the individual is aware of the intelligence and gives them an opportunity to explain or clarify issues/concerns that have been identified.

The use of an Integrity Interview is considered appropriate, for the prevention of crime and disorder, the maintenance of public safety and the protection of the rights and freedoms of all concerned, where;

- It is deemed necessary to address unresolved allegations or intelligence that cannot be verified but raises issues and or concerns sufficient to warrant a discussion with the individual.
- This procedure is a duty conferred by the Police Reform and Social Responsibility Act 2011 and the Police Reform Act 2002.

THE KEY OBJECTIVES OF AN INTEGRITY INTERVIEW ARE:

- To seek an account or explanation through informal means in response to the information provided to them.
- To seek to identify any personal or professional vulnerabilities in an attempt to reduce risks to the integrity of both the individual and the organisation.
- To seek a resolution that considers the needs of both the individual and the organisation.

- To maintain and enhance public confidence in the service.
- An outcome of the integrity interview in this case may be that the Service Confidence Procedure is instigated. It is strongly recommended that the police officer or staff member familiarises themselves with Section 4.9 of the Counter Corruption Policy prior to any integrity interview.

If you need further information please seek advice from your respective Staff Association or Union Representative

APPENDIX F – RECORD OF INTEGRITY INTERVIEW

Person Interviewed:

ID Number:..... **Current Role:**

I have been given the ‘Notice to Staff’ prior to this interview. I understand the context and have been supplied with a copy for future reference. I have also been signposted to Section 4.9 of the Counter Corruption Policy as outlined in the ‘Notice to Staff.’

Signed:

Interviewing Officer (s):.....

Date:..... **Time:**..... **Location:**.....

Integrity Interview Introductory Statements

- This is not a disciplinary/misconduct interview, you are not required to remain and may leave at any time.
- The interview may, with your permission, be audio recorded for ease of dialogue.
- The Record of Interview and any notes etc. will be kept secure within ACU, they do not go on personnel file and governed by NRAC guidelines.

- Your line manager will only be made aware of the subject of the interview if appropriate (e.g. CPD log entry is required) and you will be made aware of this at the conclusion of the interview.
- If a more serious concern is identified during the interview it will be terminated immediately, you will be advised accordingly and where necessary cautioned and allowed to seek further advice where appropriate. A formal written notice must be served as soon as practicable.

Background Intelligence/information:

Notes/Summary of concern(s):

APPENDIX G – WHISTLEBLOWING GUIDANCE

[Whistleblowing Guidance](#)